United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *106th* CONGRESS, SECOND SESSION

Vol. 146 WASHINGTON, WEDNESDAY, FEBRUARY 9, 2000 *No. 11*

Senate

The Senate met at 10:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer.

Loving Father, You have told us that Your perfect love casts out fear. So we open our minds to think about how much You love us and open our hearts to be filled with Your unlimited love. Remind us that nothing happens without Your permission and that You are able to use everything that happens to us to bring us closer to You. Therefore, we commit to You the anxieties in our personal and professional lives that cause fear of the future. So that we may work today with freedom from fear, we entrust to Your care our loved ones and their needs, our friends who face sickness and problems, our fellow workers in the Senate who need Your special care. We surrender our fears of the possible failure of our own plans and programs. Thank You for Your bracing assurance through Isaiah: ''Fear not . . . you are mine. When you pass through the waters, I will be with you and through the rivers, they shall not overflow you.''

Now we press on to the work of the day with the assurance that Your perfect love will cast out fear all through the day. In the name of Him who never leaves nor forsakes us. Amen.

PLEDGE OF ALLEGIANCE

The Honorable WAYNE ALLARD, a Senator from the State of Colorado, led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Senator from Colorado is recognized.

SCHEDULE

Mr. ALLARD. Mr. President, today the Senate will be in a period of morning business until 11:30 a.m. Following morning business, the Senate will resume consideration of S. 1287, the nuclear waste disposal bill. Members should be aware that amendments to the nuclear waste bill will be offered during today's session. Further, a final agreement regarding amendments and debate time should be entered into at some time today. Therefore, Senators can expect amendments to the nuclear waste bill throughout the day. As a reminder, second-degree amendments to the committee substitute must be filed by noon today.

I thank my colleagues for their attention.

The PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, I appreciate the outline of today's activities by the acting leader. I would say, however, I think we had better understand that there is a unanimous consent agreement floating around now that is not even close, and so unless there is more work done in this regard, I think there will be a number of people on this side who simply will object to the proposal. But I am always open to suggestions, and I say to the acting leader that if the manager of the bill, Senator MURKOWSKI, has some ideas in this regard, we are certainly a phone call away.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. ALLARD). Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11:30 a.m., with Senators permitted to speak therein for up to 5 minutes each.

Under the previous order, the time until 11 a.m. shall be under the control of the Senator from Illinois or his designee.

The Senator from Illinois.

Mr. DURBIN. I thank the Chair. I rise to speak in morning business.

CHICAGO'S BOB COLLINS

Mr. DURBIN. Mr. President, before addressing the President's budget, I wish to address an issue that is more personal and a lot closer to home. Chicago lost a great friend yesterday, and I lost a great friend as well. Bob Collins, top-rated radio personality in the city of Chicago, died in an airplane crash that was reported around the Nation.

Bob Collins was an extraordinary person. When you think of what creates a community, it is a person such as Bob Collins. His voice every morning in Chicago was a blend of wisdom and humor that really set people off on a good day. I can recall visiting his studios so many times and feeling right at home.

Bob was a typical Chicagoan, a typical Midwesterner, and I think that is the reason for his success. Our thoughts, of course, today are with his family and his wife Christine, but we should reflect for a moment on the great contribution which this man made in over 25 years at radio station WGN.

Great cities are made up of great people and Chicago is no exception. Bob Collins, at WGN Radio since 1974, was a combination of town crier, court jester, wise counselor, and fellow common man. A Shakespeare quote comes to mind: ''He was wont to speak plain and to the purpose.''

He started at age 13 at a radio station in Lakeland, FL. When he was 14, he had his own show, and radio was still at that time everyone's link to the world. Until the day he died, he remained Chicago residents' link to each other and to a wider community.

What was it about Bob Collins that made hundreds of thousands of Chicagoans tune in virtually every weekday morning? What was it about Bob Collins that enabled him not only to follow his fabled predecessor Wally Phillips, but to create his own following?

Well, like Bob, it is fairly simple. In an age of political extremes and shock radio, we found in Bob Collins an observant, thoughtful, plain spoken but fair and common man who never lost touch with the community he loved. He connected with us and with the families across Illinois and Chicago who were his loyal fans. Shaving in the morning, drinking coffee, fighting the daily commute, Bob was there at our side.

In addition to winning our ears and hearts, Bob's unparalleled ability to mix humor, human interest stories, and intelligent, thoughtful news won him award after award. His commitment to Chicago did not end when the microphone was turned off. He was always the champion of the little guy. He received the Salvation Army award known as ''The Other Award'' because of his spirit and his dedication.

His hobbies included motorcycling and flying. He was a man who enjoyed life and every minute of it. WGN's Spike O'Dell signed on this morning and announced: WGN Radio, Chicago. This is the Bob Collins Show.'' These words remind us that mornings in Chicago will always belong to Bob Collins, and he will continue to ride and fly and laugh through all of our memories.

Thank you, Uncle Bobby. Chicago is going to miss you.

THE PRESIDENT'S BUDGET

Mr. DURBIN. Mr. President, the topic this morning for our morning business is the President's budget, a budget released by the President several days ago that is a continuation of a strategy of the past 7 years, a strategy which has paid off for America. There are those who have rejected this budget. There are those who have said it is a disaster. There are those who have used the timeworn cliche that the President's budget is dead on arrival. For those who want to use this medical analogy, let me remind them of another medical admonition: First, do no harm. Those who would criticize the President's budget should come up with their alternative. Let them see if they can match the performance of the Clinton administration over the last 7 years. Let them come up with a formula that is sensible, that will move this country forward as quickly and as positively as President Clinton's plans have during the course of his administration.

His budget says we have a strategy based on fiscal discipline, a strategy which will bring down the national debt and say to our children: We will not saddle you or burden you with debt that we incurred during our lifetime for our purpose.

That is the linchpin and pillar of the President's budget, and it is sound. It is sound for our future.

The President says that as we bring down this national debt, we will preserve Social Security so it is there not only for the current retirees, but the baby boomers and beyond. We will invest in Medicare, an issue which many Republicans do not even want to discuss. We will make certain that the health insurance plan for the elderly and disabled in America is adequately funded and the doctors, hospitals, and health care providers across America know that Medicare has a bright future.

The Nation is witnessing the first back-to-back budget surpluses in 43 years, the smallest welfare rolls in 30 years, the lowest overall crime rate in 25 years, the lowest unemployment rate in 30 years. The statistics go on and on.

Whether it is a Presidential candidate or a Member of Congress who is critical of President Clinton's budget and approach, my challenge to them is: How would you do it better? What can we look to in history to point to a better model than what we have seen over the past 7 years? We reached a milestone in America's economic history. Our economic expansion is the longest, a remarkable 107 months of consecutive growth. In fact, it was reported yesterday that we have had productivity growth of 5 percent. America is on a roll, and those who would derail it for their own political purposes had best step back and think twice.

There are clearly differences which I will have with the President on specifics in the budget. There are differences which will come out during the course of the congressional debate, but whether they come from the Democratic side or Republican side, let us not lose sight of our goal.

Alan Greenspan, as Chairman of the Federal Reserve Board, last year spoke to several committees in Congress—and he continues to do that—and admonished us to keep in mind the basic things we need to do as a nation to continue to progress. Bringing down the national debt is his highest priority.

President Clinton's budget invests money in those things that will keep this economy moving forward—in the people of America. He has not given up on the families and people who have made this economic recovery such a reality.

He is investing in education so the next generation of skilled workers and leaders will be there. He is investing in health care to take away one of the major concerns of every family in America: affordability of quality health care.

Yes, the President does have a tax cut plan, but it is a targeted, specific tax cut plan—not the broad-based, overwhelming plan which we hear from Presidential candidate George W. Bush or some leaders in Congress, but one that is more sensible, more targeted, more consistent with maintaining our economic growth.

The President says families worry about paying for college education; let's help them; let's give them a deduction for college education expenses. In doing that, we will start to enable more and more young people to realize their dream of a college education and pass it along to their children. Is there anything more important for the future of our country?

The President says as well there should be a tax credit for long-term care for the fastest growing segment of the American population—people over the age of 85, our parents and our grandparents, many of whom will need help in their advancing years. Their sons and daughters care about them, and we need to help them with the long-term care tax credit.

The earned-income tax credit is a term with which many people are not familiar, but it is a tax credit for working families who are not making much money. We want to encourage work and help families, and the President, focusing on the earned-income tax credit, leads us in the right direction.

Of course, there are those who say if we are going to have a surplus over the next 10 years, then the first thing we should do is give a massive tax cut primarily to wealthy people. Yet we know quite honestly that is irresponsible. The American people know that intuitively. First, the surplus is not in hand and, second, to take whatever surplus we have and give it away as a permanent tax cut is to say to people across America that we do not need to pay down our national debt, we do not need to invest in America's children and families. We do not need to create tax cuts that are more targeted.

The President has it right. The President has said to the American people: Let us not ruin a good thing; let us move forward.

There are many things with which we need to deal in this time of prosperity which we may never have another chance to consider. If we cannot at this moment in time reach out to the American society and help those who are struggling with day-to-day problems in their family and life, when will we ever do it?

If we cannot extend the protection of health insurance, as the President has proposed, to children and families across America at this moment in time, when will we do it? Those who are 55 years of age who, frankly, may face retirement and loss of health insurance need to have the option of buying into the Medicare plan.

Those who are already retired and the disabled who rely on Medicare need to have the protection of a prescription drug plan, a benefit which is common to almost every health insurance plan. The President has said we can do that, consistent with reducing the national debt and protecting Social Security as well as Medicare. There are certain

things at this moment in time which we can do.

If we do not invest at this moment in time in education for future generations, how shortsighted we are. My friends on the Republican side of the aisle do not view the educational issue as many of us do. Their idea of education is a voucher plan to help those who would send their children to private schools.

I certainly can sympathize with these families struggling to do that. My wife and I sent our kids to Catholic schools and I attended Catholic schools. But our first obligation as a government is to the 90 to 95 percent of the students in public education, the kids in Minneapolis or Chicago or Los Angeles or New York who want to have the very best schools and the very best teachers.

The President has proposed money for teacher training to improve their skills so they can continue to bring the next generation forward well versed and well trained in the technology with which we are dealing.

There were statistics given to us yesterday about some of the things that have happened during the Clinton administration which are often overlooked by the critics of the President's budget. Let me tell you two or three which I think are amazing.

Record budget deficits have been erased. Do my colleagues know the Congressional Budget Office suggested that this year we were going to have a deficit of $455 billion? That was their projection when President Clinton came to office. President Clinton came to Congress and said: I have a plan that is going to turn this around. Instead of deficits, we can move America forward.

Some of us believed the President was right. In fact, I voted for the President's 1993 plan. There were Members of Congress running around hollering, ''The sky is falling if the President's plan passes; it will be nothing but a disaster.'' I invite those Members of Congress to look out the window at the bright blue sky of our economic prosperity because of the President's leadership in 1993, because Members of Congress, all Democrats, and Vice President GORE, who cast the tie-breaking vote, made a courageous decision. Some of my colleagues in the House of Representatives lost their next election because of that vote. If it is any comfort to them, they did the right thing for America, and history has proven them right because instead of the anticipated $455 billion deficit this year, we are anticipating instead a surplus of over $100 billion. What an amazing turnaround.

We have had the largest paydown of debt in the history of the United States. Those who argue the Democrats are not fiscally responsible cannot really say it at this moment because President Clinton's leadership and the following of Members of Congress have led to the paydown of more than $290 billion in debt over the last 2 years, and we can continue to do that.

The President is right, this should be our highest priority. We collect every single day in America $1 billion in taxes from individuals and businesses and families to pay interest on our debt. If we follow the President's lead and eliminate the publicly held debt, it will dramatically reduce those interest payments, and that is good for this country. That is money that can be spent on good programs for education and health care and given back to families in the form of tax cuts.

We have seen Government reduced and diminished in size. We have seen as a percentage of the gross domestic product the percentage spent on Government coming down. This is what America asked for; this is what they received.

Of course, with the President's budget, there will be a great amount of debate. The Congress will get its chance. The Republican leadership in the House and Senate can come up with its work product and put it next to the President's, and we can make our choice.

I will tell you this. It should be measured by one standard: Does it meet the test of common sense? Will the proposals coming out of this Republican Congress keep America moving forward? Can they explain to families across America that we should break with a policy that has done so much for so many in this country? I think they are going to be hard pressed to do it. But it is the nature of our deliberative process that they will have that opportunity.

Mr. President, at this time I am prepared to yield the floor and the remainder of our morning business time to my colleague from the State of Minnesota.

Mr. WELLSTONE. Mr. President, first of all, if it is all right with my colleague from Illinois, I will speak on two matters. I thank him for his eloquence. It turns out on some of the issues that my colleague raised, we are not 100 percent in agreement, but I think Senator DURBIN is a Senator who speaks with sincerity and marshals his evidence for his point of view. I think Democrats are very lucky to have him as a Senator speaking for our party and for the country.

CHECHNYA

Mr. WELLSTONE. Mr. President, yesterday I spoke about what is happening in Chechnya. I believe I should speak out about this. I hope other Senators will, as well.

I have a letter that I ask unanimous consent be printed in the RECORD. This is a letter to President Putin.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, February 8, 2000.

President VLADIMIR PUTIN,
Russian Federation, The Kremlin,
Moscow, Russia.

DEAR PRESIDENT VLADIMIR PUTIN: We are writing to express our deep concern over the conflict in Chechnya and your response to the humanitarian tragedy there. We recognize the importance of Russia's territorial integrity, and your government's obligation to protect its citizens from terrorist and other acts of aggression. This responsibility, however, does not and cannot justify the use of indiscriminate force against civilians and the displacement of hundreds of thousands of persons.

Since October 1, the Russian military offensive in Chechnya has involved a relentless bombing and artillery campaign that has killed thousands of innocent civilians and displaced over 200,000 people. Reports from those fleeing Chechnya detail incidents of widespread looting, summary executions, detentions and rape.

As you know, Russia has assumed obligations under the Geneva conventions and commitments under the OSCE Code of Conduct on Politico-Military Aspects of Security. Common Article 3 of the Geneva Convention states that in ''armed conflicts not of an international character, persons taking no part in hostilities . . . shall be treated humanely.'' Article 36 of the OSCE Code of Conduct states that ''if recourse to force cannot be avoided in performing internal security missions, each participating State will ensure that its use must be commensurate with the needs of enforcement. The armed forces will take due care to avoid injury to civilians or their property.'' Russia's campaign in Chechnya violates these commitments.

We urge your government to allow into Chechnya and Ingushetia an international monitoring mission. This mission should have unfettered access and a broad mandate to monitor and report on the humanitarian situation. Your government should immediately allow civilians safe passage from Chechnya, assist those persons who have been displaced from Chechnya as a result of this conflict and allow representatives of international humanitarian agencies full and unimpeded access to those persons in order to provide humanitarian relief. Finally, we urge your government to initiate investigations into alleged human rights abuses and to hold accountable those responsible.

President Putin, we believe it is imperative that you devote every effort to achieve a peaceful resolution of the conflict in Chechnya. Neither the use of force in 1994–1996, which left over 80,000 civilians dead, nor the current use of force in Chechnya will enhance the prospects of a durable settlement to the conflict.

We hope you share our concerns and look forward to receiving your response.

Sincerely,

PAUL D. WELLSTONE.

Mr. WELLSTONE. I will just read part of this letter:

DEAR PRESIDENT VLADIMIR PUTIN: We are writing to express our deep concern over the conflict in Chechnya and your response to the humanitarian tragedy there. We recognize the importance of Russia's territorial integrity, and your government's obligation to protect its citizens from terrorist and other acts of aggression. This responsibility, however, does not and cannot justify the use of indiscriminate force against civilians and the displacement of hundreds of thousands of persons.

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In this letter, I am urging President Putin that the Russian Government allow into Chechnya and Ingushetia an international monitoring mission.

This international monitoring mission should have unfettered access and a broad mandate to monitor and report on the humanitarian situation. The Russian Government should immediately allow all civilians safe passage from Chechnya, assist those persons who have been displaced from Chechnya as a result of this conflict, and allow representatives of international humanitarian agencies full and unimpeded access to those persons in order to provide humanitarian relief.

President Putin has made a commitment that an international monitoring presence would be allowed. This has not happened.

Finally, I am urging the Russian Government to initiate investigations into alleged human rights abuses and to hold accountable those responsible.

As a Senator, I send this letter to President Putin today. I think it is very important that he devote every effort to achieve a peaceful resolution.

Neither the use of force in 1994 to 1996, which left over 80,000 civilians dead, nor the current use of force in Chechnya will enhance the prospects for any durable settlement to this conflict.

I am sending this letter today. I am going to send a copy to the Senator from Colorado and other colleagues as well. I hope other Senators will speak out.

There is a delegation of several high-ranking officials, parliamentarians with the Chechnya Government, who are here, and they have been trying to meet with our State Department. So far, they have not been able to arrange any meeting at all.

I am not asking the State Department to recognize the official government, but our State Department has met with dissidents from China and dissidents from Russia over the years. I think these parliamentarians, these courageous individuals from Chechnya, deserve at least an audience with the State Department—whether it be with the Secretary of State, whether it be with Strobe Talbott, or whether it be with Secretary Koh who has done such a fabulous job on human rights issues.

I just want to say to the State Department today—I am going to continue with calls—I just think it is wrong to not at least meet with these individuals. We have a massacre of innocent people going on there.

As the son of a Jewish immigrant—born in the Ukraine, who lived in Russia, and fled persecution in Russia—I understand our Government's role in the world to speak out for human rights. Our silence, the silence of the administration and our Government, is deafening. I think Democrats and Republicans need to call on President Putin to live up to his commitment to allow an international monitoring force to protect innocent civilians and to get humanitarian assistance to people. This is a moderate, modest request.

CAPITOL HILL POLICE SECURITY

Mr. WELLSTONE. Mr. President, in the few minutes I have remaining today, I will talk in specifics about the security situation here at the Capitol, and what is going on and what is not going on by way of living up to our commitment to Capitol Hill police officers, and also to the public.

As I said, we have made the commitment, and we should honor the commitment. You need two officers at a post for their security, much less the security of the public.

Two examples. Please remember, for those who are listening, the officer who works alone at any number of these posts is responsible for the following: Watching the x ray monitor for weapons or contraband, personally screening persons with a handheld metal detector—I say to the Senator from Colorado, we come in every day, and we see them doing this—controlling pedestrian traffic at entrances, and watching both entry and exit doors for people who try to bypass security.

That is what one officer at one post is supposed to do.

Example: Ford House Office Building, Annex 2, Third Street door entrance, 441, Third Street, Southwest. By the way, the Third Street entrance is a multiple-door entrance.

Monday, February 7, 2000, one officer was assigned to this entrance from 0700 to 1500 hours. From 1200 to 1300 hours, 512 people entered through the Third Street entrance—one officer.

The Ford Building sits directly across from the Federal Center Southwest metro station, for those who are trying to identify it.

From 0800 to 0900 hours, 215 people entered through the entrance—one officer. This is Monday, February 7.

By the way, during the highest volume of pedestrian traffic, an officer who was passing by just simply stopped and offered assistance. But that is not the way it is supposed to be.

Hart Senate Office Building, 120 Constitution Avenue, Northeast; C Street door entrance to the Hart Building. This is a multiple-door entrance that is open to staff—Government workers—from 0700 to 0900 hours. This entrance is actually directly next to Senator NICKLES' office.

Tuesday, February 3, one officer was assigned to this entrance from 0700 to 1500 hours. As I say, that was Tuesday, February 3.

From 0900 to 1000 hours, 432 people entered through this entrance, not to mention the 332 staffers—Government workers—from 0800 to 0900 hours—one officer. Just think about the number of people who are streaming in with one officer. Again, I don't know exactly who is right in terms of how this problem gets solved. I think some of our police officers believe there are overtime funds for this purpose. It may be that upper management is arguing that those funds are not available. Others say we have to have more funds to hire more people. One way or the other, either there is money there for the overtime funds to properly staff these posts or additional money is necessary in appropriation.

I just gave two concrete examples on the House and the Senate side this month of February. I don't think any Senator or anyone in any decision-making position who is responsible for the security situation here—starting with these police officers, for them, much less for the public, much less for us—can justify this. It cannot be defended.

I will say it one more time. I think it is OK for me to say it. If I say it the wrong way, it is not OK for me to say it. We lost two fine officers. Agent Gibson, Officer Chestnut, we lost them. I do believe we all said to one another that we were going to do everything humanly possible to get the very best security for our officers. No one can ever guarantee a 100-percent safe situation. What we do know is that we can do everything that is humanly possible to try to meet that goal.

I just gave two examples this month that show we have fallen way short of meeting that goal. We are not doing right by the Capitol Hill police officers. We are not doing right by the public. We have to take action.

I will give other examples over the days and weeks to come. Of course, my hope is this problem will be dealt with.

I thank Senator DURBIN for allowing me this time. Not seeing any other Senators on the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. I ask unanimous consent to speak for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE BUDGET

Mr. WELLSTONE. Mr. President, I didn't want to take any time during

the Democrats' timeframe because I am so appreciative of Senator DURBIN's remarks. I have another perspective, which is just my own intellectually honest and, by the way, personally heartfelt analysis of the budget.

I was struck when Senator DURBIN was talking about: If not now, when? The words of Rabbi Hill, his third century admonition, were heard by many. Rabbi Hill, speaking to Jews, said: If we don't speak for ourselves, who will? And if we speak only for ourselves, who are we? And if not now, when?

I think Senator DURBIN was talking about this booming economy and the fact that with a booming economy and the business cycle up, we can make our very good country even better. I agree. Let me spell out my dissent from the President's budget. I did it yesterday, but today I want to do it in a somewhat different way.

I do worry about the cynicism of people in the country toward politics and toward government. I think we all do, regardless of party. I think one of the ways we get ourselves into trouble is when there is such a disconnect or a gap between what we say and what we say we are going to do versus the actual budgets and what, in fact, we really are calling for by way of investment.

As I hear the President talk about his budget and where we are heading as a country, I hear the President talk about the goal of ending child poverty; of making sure we have health care coverage for our children; of making sure every child comes to kindergarten ready to learn; making sure that when children are no longer children but young people, like our pages, they will eventually be able to afford college, if they choose to make that higher education decision; that there will be economic security for senior citizens.

Then I look at the budget and this emphasis on Social Security, Medicare, yes, and basically paying down more of the debt. Frankly, when all is said and done—if somebody can prove me wrong, I am pleased to be proven wrong—the actual nonmilitary discretionary spending over the next 10 years is, in real dollar terms, cut. There is no additional investment at all.

Now, the way in which we try to do this in this budget is through the tax system, because politically it seems as if Democrats are scared to death to talk about investment in people any longer for fear they will be accused of being a big spender. Therefore, we do it through the Tax Code, through deductions and tax credits.

Let me give credit where credit is due, and let me tell you where I think there is this huge gap between what we say we are going to do and what we are really going to do. The earned-income tax credit is one of the best things we have done for poor people in this country, many of whom are children. Refundable tax credits makes a whole lot more sense. When we did the HOPE scholarship for higher education, we didn't make it refundable, so a lot of young people or not so young people who were attending community colleges, who had incomes under $28,000, $29,000 a year, got no help anyway. They had no tax liability from which to get a credit. Refundable tax credits help low- and moderate-income working Americans more.

But with all due respect, we have made hardly any additional investment. Sometimes, if you are going to do it through the tax system, if you are going to talk about long-term care, I say to the Senator from Colorado—I know this is a huge issue in his State—families are thinking long and hard. I have been through it. Sheila and I and our children, we went through it with my parents. They are no longer alive. They both had Parkinson's disease. I know what it is like. You don't want your parent or parents to be in a nursing home. The United States of America is still the only country in the world where you have to go to the poorhouse when you are in a nursing home before you are going to get public help. You have to basically lose everything. You want your parents, or a loved one with a disability, to be able to live at home in as near normal circumstances as possible and with dignity.

We say there will be economic security. We are now concerned about long-term care and that people should be able to live at home. Do you know what. In this budget proposal—maybe I am wrong—when you finally get down to it, you are probably talking about a couple thousand dollars a year that a family can get on a tax credit.

For my mother and father, and other mothers and fathers and grandparents, if we want to make a commitment to people being able to live at home with dignity, it is going to cost them more than $3,000 a year to have some people come in and help them do that.

We are so much for the children, and we have all this irrefutable medical evidence about the development of the brain. Last night, I was lucky enough to have dinner with Rob Reiner. He is so committed to this, and I thank him for his work. We know we have to get it right—prekindergarten. The Federal Government should be a player. It should be centralized, and we should get funds to the neighborhoods and community level and have really good developmental child care.

We have a pittance in this budget. Yes, we add more money for Head Start. I guess we should since, right now, we have been covering, under the age of 3, only 2 percent of the kids who are eligible. That is hardly much of a commitment to give children from poor income backgrounds. We have additional money, but in terms of the need, we only cover 20 percent of low-income families in America. This is a huge issue for middle-income and working families. We are talking about good child care, not unsafe child care. It is a pittance. It is a pittance.

So my point is—and the Presiding Officer is Republican, so don't take this the wrong way; we like each other—I think and I hope we like each other. I think what the President has proposed is better than what the Republicans propose for sure. The Republican view, when it comes to these issues, is that there is not much the Government can or should do but give people a tax break, most of it going to the people on top. That doesn't meet the needs of working families in this country anyway. If you don't own a large corporation and you are not wealthy, there is a role for Government by way of getting some resources down to the community level that can make a real difference to families. But where I dissent from this budget is where the polls say emphasize this, so we talk about it. The polls say it is a hot issue, so we talk about it.

But the truth of the matter is that when people hear us, they actually think what we are proposing is going to make a huge difference, so that children won't be in poverty. We have more children in severe poverty today—one-half the poverty income —than we have ever had. We still have about 13 million poor children.

People think a budget is going to help us end child poverty and make a commitment to prekindergarten and good child care, so that every child who comes to kindergarten is ready to learn, or the budget will help the elderly with health care. There is a little bit, but most families will find out there isn't going to be nearly enough—not if we truly want to live up to the goodness of America.

Every child should have the same opportunity to do well. People who have worked hard and built this country and are on their backs at the end of their lives ought to have decent coverage. They ought not to have to worry about going to a nursing home and losing everything.

Higher education should be affordable. People should not fall between the cracks in health care. I was at a dramatic hearing yesterday on suicide. Dr. Jameson from Johns Hopkins and many other people testified. People need coverage because of a struggle with mental illness. I argue that it is politically unsafe, and because there is substance abuse and addiction, they should not be discriminated against and denied coverage. We could save so many lives with the dollars if we did better.

People who work hard but don't have any coverage at all ought to have coverage for themselves and their loved ones. That is not in this budget. We hardly make a dent. So I take the words of my colleagues, the Democrats with whom I work, who say the economy is booming and we can do better, and I say I agree: So why are we not doing much better?

I think we have been taught to think small. I think that, unfortunately, part of what has been going on over x number of years is that we Democrats have decided we should think small. The

conventional wisdom is that that is the way to win—think small; come up with programs that people think are popular, and then appropriate, get some money, and do it through the Tax Code so nobody can say you are spending money. But you are, either way. But you don't even come close to meeting the needs of the people to whom I say you are going to respond. I think it invites cynicism. No wonder people say Government programs don't work. They hear all this fanfare in press conferences, and, frankly, the investment isn't there. The people aren't helped very much.

I say to the Democrats—and I get to do it because I am a Senator and I get to speak to the floor to whoever wants to listen—I think everybody says the reason you have a 50-percent hole in the electorate, with 50 percent of the people voting in a Presidential election, much less a congressional election, much less a local election, is because of money, politics, and disillusionment. That is true. But the other part is that we aren't necessarily standing for politics that really speaks to people's lives, where ordinary citizens can say: Yes, the party, the Democratic Party, the party of the people, is behind us. We know it. Here is what they say they stand for, and they are willing to make the investments to make sure that, for parents and grandparents, our children and grandchildren can do better. I think that is the void in American politics.

I think it is a shame that this budget doesn't do a better job of filling that void. Frankly, I don't think we Democrats are doing the job we should do.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HAGEL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLARD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NUCLEAR WASTE POLICY AMENDMENTS ACT OF 1999—RESUMED

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1287, which the clerk will report by title.

The legislative clerk read as follows:

A bill (S. 1287) to provide for the storage of spent nuclear fuel pending completion of the nuclear waste repository, and for other purposes.

Pending:

Lott (for Murkowski) amendment No. 2808, in the nature of a substitute.

Mr. ALLARD. Mr. President, I understand the majority manager needs some more time. Pursuant to the provisions of rule XXII, I now yield the hour allotted to me postcloture to the majority manager, Senator MURKOWSKI.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

A COMMONSENSE BUDGET

Mr. BAUCUS. Mr. President, I want to take a few moments to focus on the budget debate in which this Congress is engaged. It is very important at the beginning to set priorities and parameters as we put a budget together that makes sense for our country rather than treating in isolation each individual spending or tax matter that comes before this body. It is very important that we step back and look at the bigger picture.

When a family or a corporation puts together a budget, they have to make all of their needs and desires fit into an overall budget plan. In the same way we should start out by making sure that all of our individual proposals fit into an overall budget plan.

I say this because some Members of the House are going to be moving specific tax bills in advance, without looking at the overall budget. The problem, obviously, is if we take very tempting separate items, such as a tax bill, say, a marriage penalty, or maybe it is an education tax bill, perhaps a retirement savings tax bill—it is very tempting to pass these in isolation and we are picking and choosing between different tax cuts before we even have agreed on how much money we have available.

Let's not put the cart before the horse. It's the same kind of helter-skelter approach that got us deeply into debt in the first place. Let's set our budget priorities first.

As we do so, we should keep two points in mind. First, we should be, if I may use the word, conservative. Let's keep the cork in the champagne and not put too much stock in ten-year projections that show a huge surplus.

I don't care how good your crystal ball is. Things change, and small changes add up to a lot over 10 years.

I would like to make a point about an article in yesterday's Washington Post that underlines this problem. It is a story by Eric Pianin and John Berry. Their basic point is the fragility of the long-term budget projections—whether they are the President's projections, the CBO's, or others.

Let me quote, ''Clinton's projections highlight just how tenuous those surpluses could be.''

There is another example of this. This chart shows how difficult it is to predict the future and how quickly and how dramatically budget projections change. On the left, the red bar illustrates that 2 years ago, January 1998, the Congressional Budget Office projected the country would face about a $900 billion deficit over the next 10 years.

Just a couple of weeks ago, the CBO reached a different conclusion. Their conclusion was that we are going to have the benefit of a roughly $2 trillion budget surplus over the next 10 years. That is a swing of practically $3 trillion in just two years! Clearly, 2 years from now this $2 trillion projected surplus is going to look a lot different, as it will 3 years from now and 4 years from now. Therefore, let us not listen to the siren song of these huge projected surpluses based upon current economic estimates. I know the budget estimators do the best they can. But I sure wouldn't want to bet the farm that these new numbers will hold up for a decade.

The current economy is doing well. We want it to continue doing well, but there is no guarantee it will. Let's be careful. Let's be cautious. These projections of huge surpluses could fade. It could change very quickly.

The point came home to me in a conversation I had with the CEO of a major telecommunications company.

I said: Sir, does your company make 5-year plans?

He said: Well, yes, we do.

I said: How closely do you follow them? How well do you implement them?

He said: Well, we really don't. We try, but things change so quickly, we have to change and adjust.

Granted, telecommunications is a fast-changing industry. But we are a fast-changing country in many respects. Changes happen very quickly. Changes happen, particularly as our world gets more and more interconnected and more technologically advanced. With more and more technology and more factors involved in determining the course of our economy, it is more and more difficult to predict the future. It is a problem we face.

With all the inherent uncertainty about the future, let's be a little cautious when it comes to the Federal budget. And let's also adhere to the Hippocratic Oath, that is, ''first, let's do no harm.''

I believe the prudent course is to adopt what I'd call a ''no regrets'' budget.

Policies that we believe make sense and address important needs irrespective of upticks or downticks in the economy.

To my mind, this means we should, first and foremost, reduce the debt.

That's plain conservative, common sense. During good times, you pay your debts, and you save a little. It also helps to protect Social Security and Medicare. Just paying down the debt will have a tremendous economic benefit to our country.

How? First, paying down the debt will free up more private capital so individual Americans can make more decisions along the lines they want, as they have in the last several years, which has helped boost this great economic growth. Paying down the debt means more private capital will be available. But perhaps more importantly, if the Federal government borrows less from the market, the private sector can borrow more. Government reduces its debt service costs and pressure on interest rates is reduced. And lower interest rates are a direct, tangible benefit to every businessman, farmer, home owner, and car purchaser.

Treasury Secretary Larry Summers said much the same thing yesterday morning. He told the Finance Committee that a major benefit of reducing the debt is to free money so that it is available to be productively invested by the private sector.

So, Mr. President, reducing the Federal debt is important to the continued growth of the private sector.

The second step is to set the right budget priorities. After debt reduction, we should invest where it will make the most sense for our economy. That means investment in people, investment in education, investment in infrastructure.

We can also do some good by creating incentives for private retirement savings. Retirees need more than just Social Security and we should address it this year.

And we should deal with other tax issues, too. These include reducing the marriage penalty, providing incentives for long-term health care, and helping communities conserve open space.

Those are all areas where I believe we can find strong bipartisan agreement.

I hope we could also find agreement not to go overboard with tax cuts. I know election years get the juices flowing. But I would just caution folks to remember our experience in the early 1980's with the exuberance for large tax cuts.

Two years after we enacted that tax cut—and I voted for it—Senator Dole had to come back and lead the damage control party. We had to increase taxes that year to repair the deficit problem. But it wasn't enough and we needed to do it again two years after that.

I don't know about my colleagues, but I've learned from that mistake. I don't want to lock in a big tax cut now only to find ourselves in two years digging out of a hole if the economy heads south. It's happened before!

Mr. President, I know that many observers have written off this year. They say it's an election year. That we won't get anything done. But we shouldn't write off this year quite yet. We have 120 legislative days left. It's not a lot of time.

But if we set solid budget priorities and we work together, then we can pass a budget that is responsible and invests in America, then this Congress can write a record of bipartisan accomplishment that will benefit all Americans.

I ask my colleagues to join together. If we do what is right—and we know what is right—we are going to be serving our country well. That is my plea.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HUTCHINSON). Without objection, it is so ordered.

RECESS

Mr. MURKOWSKI. Mr. President, for the benefit of Senators, subject to the approval of the majority and minority leaders, it is our intention to break for lunch until 2:15.

I ask unanimous consent that we recess for lunch, that the time be counted on the bill, and we resume debate again at 2:15.

There being no objection, at 12:09 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GREGG).

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from New Hampshire, suggests the absence of a quorum. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NUCLEAR WASTE POLICY AMENDMENTS ACT OF 1999—Continued

Mr. MURKOWSKI. Mr. President, we are still in the process of trying to resolve the nuclear waste bill. As the Chair is aware, last night we laid down the substitute amendment; that has been circulated in the body. We have some amendments pending, and I will identify those at a later time. It is a very short list. Some may be deemed by the Chair to be nongermane. I think we can begin the process now of addressing this legislation in a positive vein inasmuch as it would provide a workable methodology for the Federal program to ensure that our nuclear waste is managed safely and efficiently.

My point in highlighting this is to identify the value of this legislation, as it stands, with the substitute filed last night. I went through an extended statement yesterday indicating that nuclear energy produces 20 percent of our electricity today. We simply cannot jeopardize our economic future by ignoring the contribution the nuclear industry makes to our Nation and the realization that the industry is choking on its waste. And the idea remains of losing 103 nuclear powerplants over a period of time because of the Federal Government's failure to honor the sanctity of the contractual commitment to take that waste in 1998, even though the ratepayers contributed some $15 billion to the Federal Government to ensure the Federal Government would have the funds to take and dispose of the waste. Well, we are all aware of the realities associated with the inability of the Government to do that, to fulfill that contract and honor the sanctity of that contractual commitment.

What isn't generally known or understood is the extent of liability associated with the failure of the Government to perform its contractual obligation. I have indicated that it is full employment for some lawyers. The liability is somewhere between $40 billion and $80 billion for failure of performance.

I think we agree that we have an obligation to come together to solve this problem on behalf of the American taxpayers, where each family is subjected to an allocation cost of about $1,400 per family in this country each year as we delay the process. We have made substantial progress in addressing these issues and working with my friends from Utah—and I am sensitive to their particular position—as well as the minority and the ranking member from New Mexico, for whom I have the greatest respect. As a consequence, I believe this bill provides significant benefits to the consumers, who have paid $15 billion-plus for this Federal disposal program, and the program direction we have in this legislation for the Energy Department which must carry out this important environmental obligation.

Now, the Senate should pass this legislation. The administration should support this approach to solving this critical national issue.

Senate bill 1287 provides important changes to existing law as embodied in my new substitute that allows the Department of Energy to meet its 1998 obligation to manage used nuclear fuel from nuclear powerplants which have already begun to run out of space in especially designed storage pools.

Further, it allows for the settlement of litigation, begins a process of settlement for litigation between these utilities and the Energy Department in a fair way, and eliminates costly litigation against the Federal government, hence the taxpayer.

This bill would protect the use of billions of dollars in the nuclear waste fund so it is used only for the repository program and not diverted to cover

the cost of long-term storage at these plants in some 40 States.

The fund itself could be used, however, to purchase containers to house the fuel. Those containers were used also to ship the fuel to a repository. I am not suggesting that is the case, but that is possible.

S. 1287 retains the EPA—I want to emphasize this—as the sole authority to establish radiation protection standards at Yucca Mountain and establishes a method for EPA to discuss the standards with the Nuclear Regulatory Commission and the National Academy of Sciences. But it preserves, in spite of what the Washington Post reported and the administration, the EPA as the sole authority to establish standards.

Finally, this bill protects consumers from unreasonable increases in Federal nuclear waste fund fees. It allows only Congress to increase those fees—not the Secretary of Energy.

Every Member of this Senate is going to have an opportunity to express his or her opinion if the fees are raised. It is not going to be an arbitrary decision from the Department of Energy.

These provisions represent a couple of areas in which we can by working together to craft a bill that provides the necessary leadership to finally move this program towards achieving the intent of the original Nuclear Waste Policy Act. I urge my colleagues to support this meaningful reform and begin the responsibility of managing nuclear waste from the 40 States at one location—not 40 locations.

I am pleased to say I have just learned Senator KERREY of Nebraska has come on as an original cosponsor of the legislation.

Briefly, the benefits of S. 1287 are:

Early receipt of used fuel at site in the year 2007 no later than 18 months after authorization of construction by the Nuclear Regulatory Commission is in the amendment.

There is protection. The nuclear waste fund section 105(e) ''source of funds'' states:

> The Secretary may not make expenditures in the Nuclear Waste Fund for any costs that may be incurred by the Secretary pursuant to a settlement agreement or backup storage contract under this Act except:
>
> 1. The cost of acquiring and loading spent nuclear fuel casks;
>
> 2. The cost of transporting spent nuclear fuel from the contract holder's site to the repository; and ''. . .other costs required to perform settlement agreement or backup storage.''

Further, it prevents unreasonable increases in fees. Section 104 of the nuclear waste fee states:

> The adjusted fee proposed by the Secretary shall be effective upon enactment of a joint resolution or other provision of law specifically approving the adjusted fee.

It provides for the development of a protective radiation standard, giving absolute authority for setting of a standard to the Environmental Protection Agency.

I want to repeat that.

It provides for the development of a protective radiation standard by giving the absolute authority for setting a standard to the Environmental Protection Agency, while acknowledging for the ability of the Nuclear Regulatory Commission to provide consultation and comments to Congress, as well as the hopeful contribution by the National Academy of Sciences so we can get the very best science on this. But the decision is still the EPA.

Specifically, the amendment drops the interim storage, requires Congress to approve any increases in fees to protect the consumer, sets the schedule for development of a repository, authorizes backup storage at a repository for any spent fuel that utilities ''cannot store onsite,'' and allows the Environmental Protection Agency to set a radiation standard after June 1, 2001; prior to those consultations, only with the NAS and the NRC to ensure we have the best science and that the standard is set. But it is EPA's responsibility under statute to set the standard. We want it based on the best science available.

Further, it authorizes a settlement agreement for outstanding litigation and requires an election to settle within 180 days as requested by the administration.

The idea is to start the settlement process within 6 months. It sets acceptance schedules for spent fuel and transfers 76,000 acres of land to Nevada counties to assist them with the impact of the repository in the counties.

It uses the WIPP model for transportation, which is currently used in New Mexico, consistent with existing law under HAZMAT. I want to emphasize this. The State will be selecting the routes so we can move this waste from the 40 States where it is located to one site at Yucca Mountain.

We included training provisions to ensure safety in the movement of that waste.

There was a question of transportation. The minority believed very strongly that we should not be subsidizing international research for the development of transmutation. We struck that from our original version.

We include the decommissioning of a pilot program for the sodium-cooler fast breeder reactor in Arkansas.

We included a study on the Prairie Island rate impact as well. But there are a couple of points I want to emphasize, specifically for Members of this body—and their staffs—from Delaware, West Virginia, Kentucky, Oklahoma, Wyoming, Montana, South Dakota, North Dakota, Hawaii, and my State of Alaska.

The significance of that list is that there are no commercial waste sites in those States. But we have a chart that shows where they are. They are in 40 other States. But they are not in Delaware, West Virginia, Kentucky, Oklahoma, Wyoming, Montana, South Dakota, North Dakota, Hawaii, or Alaska.

If you are paying attention to this debate, you should be interested in the disposition of waste that may be in one of your States—one of the 40 States.

This chart clearly identifies the various States where we have commercial reactors. We have shut down reactors. We have spent nuclear fuel storage. We have research reactors, naval reactor fuel, so forth and so on.

Several years ago, when we started on this legislative train to try to resolve this problem, there was a suggestion made and legislation was developed that said, well, since Yucca Mountain isn't ready, it is not licensed, and we have some of these storage plants that are in a critical stage, the volume of waste has either exceeded or is about to exceed the licensed storage in those plants, those States can shut those plants down.

What are you going to do to make up for the loss of that electric generation? That was left to a later date. The idea, then, was to move some of the waste from some of the critical reactors where storage had been built to a temporary repository at Yucca Mountain—put it in casks until Yucca Mountain was certified, licensed, and finalized. There are a lot of steps to go through.

There was great concern over that. Nevada felt there was a finality associated with it. In other words, it implies that once it is placed there it will never move again. They opposed that. The administration opposed it because they said we had not finalized and licensed Yucca Mountain. There is always a chance we won't be able to do that. Of course, that evades reality because we will still have to put it somewhere.

Let me share a letter which I think personifies where we are in this debate. It is from the Governors of the various States in the Northeast corridor, for the most part: Governor Dean, Democrat of Vermont; Governor King, Independent of Maine; Governor Shaheen, Democrat from New Hampshire; Jesse Ventura, Reform Party of Minnesota; Governor Tom Vilsack, Democrat of Iowa; Governor Jeb Bush of Florida; Governor John Kitzhaber. They sent a letter to the President which I highlighted the other day. We have come full circle on the issue.

The letter reads as follows:

> We governors from states hosting commercial nuclear power plants and from affected states express our opposition to the plan proposed by Energy Secretary Richardson in his February 1999 testimony before the Senate Energy and Natural Resources Committee. Secretary Richardson proposes that the Department of Energy take title, assume management responsibility and pay costs at nuclear plant sites for used nuclear fuel it was legally and contractually obligated to begin removing in January 1998. This proposed plan would create semi-permanent, federally controlled, used nuclear fuel facilities in each of our states.

Think about that. We are not going to allow a temporary repository at Yucca Mountain until we get a final decision. That legislation was defeated. The Secretary and perhaps others suggested they take title to the fuel. By taking title to the fuel, that does just that: It takes title in each of 40 States.

It provides no guarantee as to when or if it will be moved. As a consequence, 40 States have no assurance it will leave their State.

Every Member of this body representing the 40 States that have nuclear power should be very concerned about the implications of this.

In deference to the Secretary of Energy, my good friend, Secretary Richardson, assured me he would be able to adequately address the concerns of the Governors. I think he made a good-faith effort. Obviously, it was not enough. Perhaps the reason it was not enough—and this is certainly not the fault of the Secretary—was the inability of the Government to commit to its word to take the waste in 1998. It was not under his watch. The Government simply could not resolve it, so it was not done.

I want to stress the significance of what this means to these States that have expressed their concern. They are fearful that taking title in their State would create semipermanent, federally controlled, used nuclear fuel facilities in each of the States. They continue with more food for thought that I think is appropriate. They say:

The plan proposes to use our electric consumer monies which were paid to the federal government for creating a final disposal repository for used nuclear fuel. Such fuels cannot legally be used for any other purpose than a federal repository.

They don't have that in mind.

This plan abridges states rights—it constitutes federal takings and establishes new nuclear waste facilities outside of state authority and control.

These new federal nuclear waste facilities would be on river fronts, lakes and seashores which would never be chosen for permanent disposal of used nuclear fuel in a site selection process.

The plan constitutes a major federal action which has not gone through the National Environmental Policy Act (NEPA) review process.

It is interesting that the Government agencies conveniently go around some of the regulations that others cannot get around.

The new waste facilities would likely become de facto permanent disposal sites.

Listen to that, ''permanent disposal sites.'' That could happen in any of your States.

Federal action over the last 50 years has not been able to solve the political problems associated with developing disposal for used nuclear fuel. Establishing these Federal sites will remove the political motivation to complete a final disposal site.

It will remove the political motivation. Those are pretty strong words.

The last page reads:

We urge you to retract Secretary Richardson's proposed plan and instead support establishing centralized interim storage at an appropriate site. This concept has strong, bipartisan support and results in the environmentally preferable, least-cost solution to the used nuclear fuel dilemma.

There it is: The inability of the Governors and the administration to provide the Governors with the degree of comfort they need to ensure it will not become permanent, and that we, in this legislation in its final form, have changed the take title provision and eliminated it, in view of the reality associated with the inability to provide the States with the assurance that the waste would be removed from those States.

I had hoped the administration and the Secretary of Energy would be successful in allaying fears. Probably the reason they have not been able to do so is because there is no assurance that they could move any further than we did in 1998 when we could not make the contractually related commitment to take the waste at that time.

I will make a couple of other points that I think represent good faith in the manner in which we tried to resolve concerns of the minority. This included a 180-day window when contract holders must decide whether to enter into settlement negotiation with the Secretary. That is back in the bill at the request of the minority. We think it is appropriate that a process be started.

I think it is fair to characterize that Senator BINGAMAN and Secretary Richardson felt this must be an appropriate inclusion of this provision to allow the Department of Energy planning process to go ahead.

I want to touch briefly on transportation. I know there has been a good deal of concern; people say they don't want the stuff to go through their State, and that is understandable. What we have done in accordance with the minority is to use the WIPP transportation model, which is a model I think I can say Senator BINGAMAN and Secretary Richardson support. Basically, it comes down to the State designating the routes to move the waste.

We have also included in existing law a training provision to make the transportation as safe as possible.

There was a question of transmutation. I think I have addressed that.

But one other point I would like to make to my colleagues from Nevada is how we have attempted to accommodate a concern they had about what was in the bill. First of all, if I could have the attention of my two colleagues from Nevada, because I think this is important, in the original bill we had payments to local communities. I was sensitive to the impact of the ultimate disposition of perhaps finalizing a permanent repository in the State of Nevada. As a consequence, there are annual payments of $2.5 million. I think they would go for about 5 years. It would be about $12.5 million to the local counties. Then there was another $5 million to come in on the first fuel receipt that would come in, and then annual payments after the first receipt until closure. We do not know when the closure is, but it would be about $5 million a year. I think, if we figured the repository would go until about the year 2042, that is about $140 million to your counties.

At the insistence of the minority, that funding was eliminated. However, I felt very strongly about the land conveyances that were requested of 76,000 acres—that is twice the size of the District of Columbia, if I can put it in perspective. So we have in this bill 76,000 acres to Nevada: 46,000 acres to Nye County, 30,000 to Lincoln County. This is going to go for a variety of uses: For the city of Caliente, a municipal landfill as well as for community growth and community recreation; Lincoln County, for community growth. For Panaca, Rachel, Alamo, Beatty, Ione, Manhattan, Round Mountain/Smokey Valley, Tonopah, another 28,230 acres; for the towns of Amargosa and Pahrump, another 17,450 acres. These are areas that have been identified for favorable disposal by BLM.

Mr. REID. If the Senator will yield, one thing we have to do is get you to Nevada to hear how to pronounce some of those names.

In the early 1940s and 1950s, we had great football teams at the University of Nevada. They would bring in these football players from around the country, as was done in those days. Marion Motley was a great all-pro Hall of Fame football player. He came and signed up for school. He was going through registration. They asked him where he was from. He said Ely, NV; it is pronounced ''Elee,'' NV. That is how you pronounced the names. Beatty and Amargosa and Pahrump—we are going to have to give some lessons to you on how to pronounce the names. Just as if I went to Alaska, it would be hard for me to pronounce those names.

Mr. MURKOWSKI. I know a lot of people who come to Alaska and visit ''Valdeez'' think it is pronounced ''Valdez.''

But I did want to highlight the fact we have tried to respond to the request for the land conveyances. They are 76,000 acres transferred over to the two counties that would benefit the communities. That is in this bill. I offer it simply as an effort in good faith to be sensitive to concerns I think are very legitimate. That is to transfer the land from Federal agencies that do not have a need for that land to the communities so they can put them on the tax rolls and have it functionally contribute to the economy of the area and benefit the people. I think that is appropriate as well.

I see a few Members here awaiting recognition. It is appropriate I yield the floor. At a later time, it will be my intention to address some of the amendments that are pending.

I yield the floor.

The PRESIDING OFFICER (Mr. L. CHAFEE). The Senator from Nevada.

Mr. REID. I see my friend from North Dakota and my friend from Minnesota are here. I am wondering how long the Senator from Minnesota wishes to speak.

Mr. GRAMS. Probably less than 10 minutes.

Mr. REID. The Senator from North Dakota wants to speak as in morning business for 15 minutes.

I have just a few things to say. If it will be OK with the Senator from North Dakota, as soon as I finish, I ask the Senator from Minnesota be recognized for 10 minutes.

Mr. GRAMS. Somewhere around there; maybe 12. I am just guessing.

Mr. REID. And then I ask the Senator from North Dakota be recognized for 15 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, I will be brief. I did want to respond to some of the things that were mentioned by the Senator from Alaska, the manager of this bill.

When I practiced law, I represented a number of automobile dealers. I remember one of the big problems we had is that once in awhile someone would buy a lemon. That is what they were called. Something just went wrong in the manufacture of that car, and whatever was done, it turned out bad; you just could not fix it.

I remember one dealer I represented. There was a man who was picketing his place of business. He had his car painted yellow, and he had it so it looked like a float that looked like a lemon. The dealer told me: You have to settle this case. You have to get rid of this case.

That is kind of how I feel about this legislation. This legislation is a big lemon. Whatever they do with it, it is still bad. It is just like those cars that are lemons.

Senator MURKOWSKI, the manager of this bill, I have no doubt, is doing his very best, and that is usually good enough. In this instance, he is dealing with a lemon and it is not good enough. Take, for example, the fact that everyone knows the 1987 act deleted the State of Washington and the State of Texas and began the characterization of Nevada, Yucca Mountain. That is going forward as we speak, the characterization of Yucca Mountain. S. 1287 was supposed to streamline the process. It would not do that.

For example, there is a provision in S. 1287 that the utilities badly wanted. What did that legislation call for? It said the utilities would no longer hold title to the nuclear waste but title would instead be transferred to the Department of Energy. That was the big purpose of S. 1287. That was the bill, S. 1287. The big part of it was what they call ''take title.''

We were here yesterday at 5:55; 5 minutes before the deadline, amendments were filed, and take title is gone. S. 1287, the take title provision is out of this bill. It is like the proverbial lemon from which we try to protect automobile dealers. For the first time in the history of this legislation, we now have the utilities fighting the States.

The EPA provision that the managers of the bill worked so hard to try to get resolved has made it worse. The problem we have here with the EPA provision is that the manager, recognizing he would rather deal with a Republican President, has inserted a provision in this amendment that puts off the decision by the Environmental Protection Agency until the next administration. He is hoping, of course, that either President MCCAIN or President Bush will be elected.

The fact is, that is a crapshoot, I guess, but it should not be part of this legislation. All it does is further ''lemonize'' this legislation.'' The EPA is concerned about this. The President is concerned about it because it is attempting to make him a lame duck President, attempting to dissipate and do away with the rulemaking power of his agencies. Secretary Richardson is totally opposed to this legislation. As I said, Carol Browner is opposed to it. The League of Conservation Voters is opposed to it; most every other environmental organization is opposed to this bill. So we understand why the League of Conservation Voters—I am using them as just a representative because they speak for everyone, really—are concerned.

This legislation is placed ahead of the Patients' Bill of Rights, public schools, Social Security, prescription drug benefits, and all the other things we need to be talking about, including minimum wage and the juvenile justice bill.

The environmental community considers defeating this bill a major priority during this election year. In fact, I have a letter from Deb Callahan, who is head of the League of Conservation Voters, who has made it clear they may score S. 1287 as it poses ''unacceptable risks to public health and the environment.''

The League of Conservation Voters is not some radical environmental group driving stakes in trees; it is a middle-of-the-road environmental group that speaks for the American public. They are decidedly and appropriately bipartisan.

It is interesting. I prepared these remarks long before the junior Senator from the State of Rhode Island started presiding, but just last year, the League of Conservation Voters honored Senator JOHN CHAFEE, a Republican, for his lifetime and stalwart support for environmental protection. Voting against this bill is about protecting the environment, not just in Nevada, but as the letter indicates, in the 43 States where S. 1287 will accelerate nuclear waste trafficking.

I ask unanimous consent that a copy of this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

LEAGUE OF CONSERVATION VOTERS,
February 7, 2000.

Re Oppose S. 1287—The Nuclear Waste Policy Amendments Act of 2000.

U.S. Senate,
Washington, DC.

DEAR SENATOR: The League of Conservation Voters (LCV) is the bipartisan, political voice of the national environmental community. Each year, LCV publishes the National Environmental Scorecard, which details the voting records of Members of Congress on environmental legislation. The Scorecard is distributed to LCV members, concerned voters nationwide, and the press.

The League of Conservation Voters urges you to vote against the Nuclear Waste Policy Amendments Act of 2000 (S. 1287). S. 1287 poses unacceptable risks to public health and to the environment.

The Environmental Protection Agency (EPA) should be in charge of setting the final standard for Yucca Mountain and should set the most protective standard possible. S. 1287 would undermine EPA's standard-setting process by delaying the issuance of a final standard until as late as June 1, 2001. The bill also would require agreement between the Nuclear Regulatory Commission and EPA on the final standard. EPA has already published a proposed standard for Yucca Mountain that appropriately includes a separate standard for groundwater—the most likely avenue for contamination at Yucca Mountain. The NRC's proposed standard does not set a separate groundwater standard, and is designed to accommodate the anticipated failures of Yucca Mountain to contain radionuclides. Further, the NRC's proposed radiation standard is higher than the highest radiation standard recommended by the National Academy of Sciences in its 1995 report on standards for Yucca Mountain.

S. 1287 would put Americans in communities across the nation at risk by mandating dangerous shipments of spent nuclear fuel to an as-yet unidentified ''backup'' storage site from reactors across the country beginning as early as 2006. S. 1287 would dramatically increase nuclear waste shipments, together with the risk of a transport accident involving nuclear waste. Up to 100,000 shipments of nuclear waste will travel through 43 states and within half a mile of 50 million Americans over 25 years.

LCV urges you to vote ''No'' on S. 1287 and to work instead for a national nuclear waste policy based on sound science, citizen involvement, and protection of public health and safety.

LCV's Political Advisory Committee will consider including votes on this issue in compiling LCV's 2000 Scorecard. If you need more information, please call Betsy Loyless in my office at 202/785–8683.

Sincerely,

DEB CALLAHAN,
President.

Mr. REID. Mr. President, my friend from Alaska talked about conveyances of Federal public lands to Nevada. The Senator from Alaska has been very good working with Nevada which has 87 percent of its land owned by the Federal Government. We have worked very well with him. His committee has helped us get parcels of land put in the private sector, but in this instance, the State of Nevada has had no input.

There are about 20 maps on file at the DOE showing where these lands are located. The Governor of the State of Nevada knows nothing about this. Our public lands administrator in the State of Nevada knows nothing about this. I have not been provided copies of these maps, so I assume none of my colleagues have either. No hearings have been held to find out whether the land conveyances are good or bad. We want land in the private sector, but we do not want land conveyed that will have

a negative effect on the people of the State of Nevada. We need to review the proposed land conveyances. These are not small conveyances. This bill could convey land larger than the State of Connecticut from public lands to private lands in the State of Nevada.

This legislation is a big fat yellow lemon. In addition to that, although I usually like the looks of lemons, this is an ugly lemon, and the best thing we can do is vote against this legislation. It is bad legislation, and the amendment of my friend, the Senator from Alaska, is not going to improve it. It just further, as I say, ''lemonizes'' this legislation.

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota is recognized.

Mr. GRAMS. Mr. President, I want to take a few minutes today to express my support for an amendment I was planning to offer, along with Senators SNOWE, COLLINS, and JEFFORDS, to strike the so-called take title provision from S. 1287. I thank Chairman MURKOWSKI for including this in his substitute. We are withholding offering that amendment.

For as long as I have been in the Senate, I have argued that the Department of Energy has a legal responsibility to remove nuclear waste from my home State of Minnesota. We all know the DOE was obligated to begin removing waste from civilian nuclear reactors by January 31, 1998. Sadly, the DOE virtually ignored that date and instead has engaged in a protracted struggle to dodge any responsibility it might have to our Nation's ratepayers.

As everyone in this Chamber knows, Washington's involvement in nuclear power is not new. Since the 1950s Atoms for Peace Program, the Federal Government has promoted nuclear energy in part by promising to remove radioactive waste from powerplants. Congress decisively committed the Federal Government to take and dispose of civilian radioactive waste beginning in 1998 through the Nuclear Waste Policy Act of 1982 and its amendments in 1987. It has been on record for 18 years, a mandate by the Congress, to do this.

These acts established the DOE Office of Civilian Radioactive Waste Management to conduct that program. It selected Yucca Mountain, NV, as the site to assess for the permanent disposal facility. It also established fees of a tenth of a cent per kilowatt hour on nuclear-generated electricity, and it provided that those fees would be deposited into the nuclear waste fund.

Furthermore, it authorized appropriations from this fund for a number of activities, including development of a nuclear waste repository.

Eventually, publication of the standard contract addressed how radioactive waste would be taken, stored, and disposed. The DOE then signed individual contracts with all civilian nuclear utilities promising to take and dispose of civilian high-level waste beginning on January 31, 1998. The DOE signed contracts to do this.

Other administrative proceedings, such as the Nuclear Regulatory Commission's waste confidence rule, told the American public they should literally bank on the Federal Government's promises.

This point needs to be clearly understood by the Members of this body. Our Nation's nuclear utilities did not go out and invest in nuclear power in spite of Federal Government warnings of future difficulties. Instead, they were encouraged by the Federal Government to turn to nuclear power to meet our increasing energy demands. Utilities and States were told to move forward with investments in nuclear technologies because it is a sound source of energy production, and the Federal Government's support for nuclear power was based on some very sound considerations.

First, nuclear power is environmentally friendly. Nothing is burned in a nuclear reactor, so there are no emissions released in the atmosphere. In fact, nuclear energy is responsible for over 90 percent of the reductions in greenhouse gas emissions that have come out of the energy industry since 1973. Between 1973 and 1996, nuclear power accounted for emissions reductions of 34.6 million tons of nitrogen oxide and 80.2 million tons of sulfur dioxide.

Second, nuclear power is a reliable baseload source of power. Families, farmers, businesses, and individuals who are served by nuclear power are served by one of the most reliable sources of electricity.

Third, nuclear energy is a homegrown technology, and the United States led the way in its development. We have long been the world leader in nuclear technology and continue to be the world's largest nuclear-producing country. Using nuclear power increases our energy security.

Finally, much of the world recognizes those same values and promotes the use of nuclear power, again, because of its reliability, because of its environmental benefits, and its value to energy independence. For those reasons, the Federal Government threw one more bone to our Nation's utilities. It said: If you build nuclear power, we will take care of your nuclear waste, we will build a repository, and we will take it out of your State. Again, they told the public: You can bank on those promises by the Federal Government.

In response to those promises, States across the country took the Federal Government at its word. It allowed civilian nuclear energy production to move forward.

As we all know, ratepayers agreed to share some of the responsibilities but were promised some things in return. They agreed to pay a fee attached to their energy bill in exchange for an assurance that the Federal Government meet its responsibility to manage any waste storage facilities.

Because of those promises and measures taken by the Federal Government, ratepayers have now paid roughly $16 billion, including interest, into the nuclear waste fund. Today, these payments continue, exceeding $600 million annually or about $70,000 for every hour for every day of the year. For the ratepayers of Minnesota, these contributions have claimed over $300 million of their hard-earned money since the creation of the nuclear waste fund.

In summary, the Federal Government promoted nuclear power, utilities agreed to invest in nuclear power, States agreed to host nuclear powerplants, and the ratepayers assumed the responsibility of investing into the long-term storage of nuclear waste. Still nuclear waste is stranded on the banks of the Mississippi River in Minnesota and on countless other sites across the country because the Department of Energy has a very short-term memory and this administration has virtually no sense of responsibility— — let me say that again—because the Department of Energy has a very short-term memory and this administration has virtually no sense of responsibility.

Now we can all argue all day long on the floor of this Chamber on the merits of nuclear power. But we cannot stand here on the Senate floor and deny that the Federal Government promoted nuclear power and that the Federal Government promised to take care of nuclear waste.

Taking title to the waste does not fulfill that promise.

Unfortunately, if the DOE is allowed to take title to nuclear waste at the plant site, I can't provide the ratepayers of my State with any reason to believe the waste will eventually be moved.

Allowing the DOE to take title to waste and to leave it at the reactor site is an invitation to even more ratepayer abuse at the hands of the Department of Energy. I think the record of the DOE has shown that this administration would much rather leave waste where it is than move it to a centralized storage facility.

A number of my colleagues in the Senate have suggested the same thing. I don't believe that is a good policy, nor is it the policy in which the ratepayers of Minnesota have so generously invested—again, not only in Minnesota but across this country.

I met yesterday with Minnesota's Commerce Commissioner, Steve Minn. He made it very clear to me that for States, the most objectionable aspect of this bill is the take title provision. He indicated that the provision is viewed with extreme skepticism by the State of Minnesota.

I understand why.

I know Senator MURKOWSKI has read from the letter the Governors, along with Governor Ventura of Minnesota, have written and sent to President Clinton dealing with this problem. It says:

We governors from states hosting commercial nuclear power plants and from affected

states express our opposition to the plan proposed by Energy Secretary Richardson in his February 1999 testimony before the Senate Energy and Natural Resources Committee. Secretary Richardson proposes that the Department of Energy take title, assume management responsibility and pay costs at nuclear plant sites for used nuclear fuel it was legally and contractually obligated to begin removing in January 1998.

The Department of Energy says: Oh, we'll pay for it. But where are they going to get the money? They are going to take it from the ratepayers or the taxpayers. So basically this is a punt by the Department of Energy—again, not committed to those contracts that it signed with all the States.

This proposed plan would create semi-permanent, federally controlled, used nuclear fuel facilities in each of our states.

This letter states some of the objections by the Governors:

This plan abridges states rights—it constitutes federal takings and establishes new nuclear waste facilities outside of state authority and control.

The Governors went on to say, in their objection to the take title provision offered by Secretary Richardson of the Department of Energy:

The new waste facilities would likely become de facto permanent disposal sites [some 100 sites across the country]. Federal action over the last 50 years has not been able to solve the political problems associated with developing disposal for used nuclear fuel. Establishing these federal sites will remove the political motivation to complete a final disposal site.

The Governors across the states that are affected are very concerned. Again, I understand why.

Quite reasonably, States don't want to see the Federal Government take up permanent residence at these waste sites. It is the nuclear waste equivalent to having the fox guard the hen house.

Allowing the Federal Government control of waste sites removes a State's oversight role. It removes the State's authority and control over these sites and it does not—I underline that—it does not remove waste from Minnesota or any other State.

In closing, I ask my colleagues to listen to the Governors of our States and to vote to remove the take title provision from this legislation, in other words, support Chairman MURKOWSKI's substitute.

With this bill, we need to lock in transportation provisions, protect the ratepayers from increases in their contribution, facilitate a constructive resolution to the radiation standard dispute, and also advance the goal of completing a national repository for the permanent storage of nuclear waste.

We do not need to provide the DOE with an excuse to leave waste stranded permanently in Minnesota and across the country.

Mr. President, I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. As previously ordered, the Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I had sought permission to speak as in morning business—not on this bill—for 15 minutes. I shall not take that entire time.

PROTECTING SMALL BUSINESSES

Mr. DORGAN. Mr. President, this morning there was a story in a daily newspaper in my State, the Bismarck Tribune, entitled ''National candy company takes on Mandan couple.'' It is a curious story, an interesting story, and one that is perhaps repeated all too often around the country. It concerns a type of business dispute in which one company alleges that another company is doing something that intrudes upon the rights of the first company.

As corporations become larger through mergers and acquisitions, all too often we see big companies trying to muscle mom-and-pop businesses around. That is what I think this case is about.

For those of us who care about small businesses and stand up for the rights of entrepreneurs, people who work hard, people who risk almost everything to make a go of it on Main Street, this kind of story is pretty ominous. Let me describe what it is about.

It is about a small business in Mandan, ND, run by Debbie and Russel Kruger. They run a drugstore and soda fountain on the main street of Mandan; and to try to make a little extra money, they make homemade candy. Debbie Kruger has created three different candy bars, and she markets these candy bars as well.

It is a good small business. They are not making a fortune, but they are struggling and doing business on the main street of Mandan, ND.

If I might, with the permission of the Chair, I ask unanimous consent to show the Lewis & Clark Bar on the floor of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. It is a candy bar that has on its wrapper a picture of Lewis and Clark, and buffalo, and the young Indian woman, Sakakawea, who guided Lewis and Clark across the West. It is a milk chocolate candy bar called the Lewis & Clark Bar, designed by Debbie Kruger in 1997.

She did this because we are coming up to the 200th anniversary of the Lewis and Clark Expedition. There will be celebrations up and down the route that Lewis and Clark took. They stayed the winter in Mandan, ND—about 40 miles north. They spent the entire winter there. They spent more time in North Dakota than any where else on their trip.

The 200th anniversary—1804, 1805, 1806—will bring enormous visitation to the Lewis and Clark route. So Debbie Kruger, created a candy bar, the Lewis & Clark Bar.

She produced 20,000 to 30,000 bars. She sold about 20,000; and 10,000 are on shelves or in inventory.

Then she got a letter from a lawyer in Boston, MA. That is ominous enough, just getting a letter from a lawyer in Boston, MA.

The lawyer wrote:

''I represent New England Confectionery Company (Necco).'' I know Necco. I have been eating Necco products since I was a little kid.

The letter continues that a matter has come to the attention of this lawyer for the New England Confectionery Company. The matter that has come to his attention? There is a candy bar in Mandan, ND, named the Lewis & Clark Bar. What does that mean?

He says his company has produced this bar—it is the Clark Bar—and this woman has infringed on our rights by using the name, Lewis & Clark Bar. She must cease and desist, he says. We seek an arrangement. We demand she suspend operations.

The small business has to go hire a lawyer, who writes back and says: This is not an infringement. This is a different candy bar, a different wrapper. We aren't infringing on anything.

The Necco lawyer writes back from Boston—I guess one has to go to a special law school to do this—and says: The differences between your client's candy bar and my client's candy bar are not the kinds of differences that dispel confusion. ''They are both candy bars,'' he says. Where do they train lawyers like this? Where on Earth could such lawyers come from?

He says, ''We seek an arrangement.'' We know what that means. They seek some money. Then at the end, of course, they demand that the registration for the Lewis and Clark bar be withdrawn and ''assigned to us,'' and so on.

Now, the corporation that owns this confectionary company—Necco—is actually the United Industrial Syndicate. They do mill works. They make automobile parts, truck parts. And yes, they make candy bars, including the Clark bar. That candy bar was named after a Mr. Clark who lived in the 1880s in Pittsburgh and started the company that made the bar.

The United Industrial Syndicate bought this company at a bankruptcy sale in 1999. It has nothing to do with Lewis & Clark. But here is a Boston lawyer, working on behalf of this company, this corporate conglomerate, who thinks the name Lewis & Clark apparently belongs to them. Sorry, it doesn't.

Debbie and her husband weren't looking for a fight. They don't have the money to spend on a battery of lawyers. They are a small business trying to make a living.

What is happening here is wrong, but it happens all the time. It is a form of corporate bullying. It is throwing your weight around, if you are big enough to do it.

My message for Necco is: Pick on somebody your own size. I am one of your customers. I can't walk past a candy counter without stopping, if

they have those little wafers. I like the all chocolate ones. I buy them all the time. Is that a vice? I suppose. But I do it because they are awfully good.

I am one of their customers, and I say to Necco: Lay off small businesses. Don't hire blind lawyers. If you can't tell the difference between their Clark bar wrapper and the wrapper for the Lewis and Clark bar, then get a new lawyer, and do something worthwhile for a change.

Thomas Jefferson always said that the long-term success of this country would be our ability to sustain broad-based economic ownership. Of course, he was talking about a network of family farms and small businesses. That is what refreshes democracy, broad-based economic ownership. He always insisted that you can't maintain political freedoms unless you maintain economic freedom, and economic freedom comes from broad-based economic ownership. Therefore, this freedom is rooted in the economic health of men and women in this country who run America's small businesses on main streets. We need to be concerned about that.

How often do you hear Members come to the floor of the Senate and worry about the number of lawsuits in this country? They worry about the lawsuits filed by customers against big corporations. What about this use of lawyers by a big company trying to put a small company out of business? What about that kind of corporate bullying? It is time to stop it.

The men and women who risk their all and work hard to run small businesses in this country don't deserve to have to defend themselves against a battery of lawyers hired by big corporations. I hope the company that produces a product that I purchase—a company I don't know very well—will decide that they ought to cease and desist.

I hope they will decide they have better things to do. I hope they will decide they don't own the name ''Lewis & Clark.'' I hope they will decide that there is no threat to the economic well-being of their company by the existence of a small business on the main street of Mandan, North Dakota that makes candy bars and hand-dipped candy. I hope they will find lawyers who can understand the difference between these two wrappers.

There must be better things for this company and for its lawyers to do. I hope to report to my colleagues one day that this company has decided to take a more constructive approach. I also hope that the many others around the country who suffer the same sort of difficulty—who are being bullied and muscled by some of the larger corporate enterprises that worry about the existence of competition—I hope these small business people will decide that the solution is not to cave in. The solution is to fight. Don't give up.

I know that this subject is radically different from the issue of nuclear waste. But it has a lot to do with what goes on in this country, the kinds of business we pursue and the kind of economy we will have in the future. If those who are big enough can always gain the upper hand then those who are small will never be able to defend themselves.

We must from time to time be the defenders of those in this country who aspire to do good work and aspire to run a small business and create something of value on the main streets of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. FITZGERALD. Mr. President, I ask unanimous consent that I be permitted to speak for up to 10 minutes as in morning business and that the time be charged to the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE DEATH OF BOB COLLINS

Mr. FITZGERALD. Mr. President, later this afternoon a resolution sponsored by Senator DURBIN and I will be sent to the desk. That resolution expresses the sense of the Senate regarding its sorrow upon the passing yesterday of one of the Nation's leading radio personalities, Bob Collins from WGN Radio in Chicago.

Yesterday afternoon, Bob Collins, who was one of the Nation's leading radio personalities, who had a listening audience of over 600,000 people, after finishing his radio program, drove to his home in Lake County, IL, and decided to go out and fly his airplane. He apparently had a friend with him in that airplane. While that airplane was attempting to land at Waukegan Airport in Waukegan, IL, another small aircraft hit it. Ultimately, it drove Mr. Collins' plane into a building. It later was confirmed that he died as a result of the accident. It was a horrible tragedy.

In the last 24 hours, all of Chicago and many people throughout the Midwest have been mourning the death of Bob Collins.

Mr. Collins was a personal friend of mine, somebody I thought very highly of. It is with particular sadness that I rise upon this occasion of his untimely death.

Bob Collins was known affectionately to his Chicago audience as Uncle Bob. He had the main drive time-radio program at WGN Radio since 1986. He had by far the largest audience. In fact, his rating points for the last 10 years showed that his audience was twice the size of his next closest competitor. He was very much loved all around Chicago by people who for the past 13 or more years, every morning when they awoke, heard on the radio the voice of Bob Collins.

His show ran from 5 a.m. until 9 a.m., and so hundreds of thousands of Chicagoans, as they were driving to work in the morning on congested expressways, would be listening to him day in and day out.

Some have described Bob Collins as the narrator of events in Chicago and in the Midwest over the past decade or more. He talked about everything from the local and national news to current political topics. In fact, he was a very devoted Republican in a very Democratic city. But notwithstanding his political views, he still had wide popularity. He had guests from all walks of life on his radio show every day. Senator DURBIN and I on at least one occasion were guests of Bob Collins on his radio show.

Bob did everything during his radio show. He would announce the weather. He would talk the whole 4 hours. He even read his own commercials. And being on from 5 in the morning until 9 in the morning and thinking about how you hold that audience's attention for that long of a time when you are talking is very difficult. It is even tougher to do it and remain interesting. But Bob was always interesting. Yet he didn't grate on people, and he retained and built his audience over the years. He really had a gift of talking. People enjoyed what he was saying and found him entertaining.

He never stooped to the methods we are seeing increasingly with the shock jocks, the rude and obnoxious talk radio we so often hear.

He never resorted to cheap tricks to maintain the interest of his audience. I think that is the reason people never tired of him and that he went on for years as a popular radio guy.

Bob was very folksy and unpretentious. In fact, he was the exact same person on the radio as he was off the radio. I saw him many times in relaxed, amicable circumstances, and he was just the same regular old Bob Collins who grew up in Lakeland, FL, who liked to ride motorcycles and fly airplanes, with a very sunny and cheerful personality at all times. He had a zest for life and always had a sunny disposition. On his show, he was always very polite and agreeable. Even when he disagreed with his guests, he was always very affable.

I want to read from a column that appeared this morning in the Chicago Tribune by Mary Schmich. She wrote about Mr. Collins' life. It is a wonderful article. I will read a couple of paragraphs about how she described Mr. Collins:

> As a radio guy, he was both a master and a freak. In the age of screechers and squawkers and shock jocks, in a time that has elevated the obscenity to art and rewarded it with megabucks, Bob stayed Bob.
>
> He earned his big bucks the old-fashioned way and still seemed as down-to-earth as the guy one row behind you in the bleachers. He was blunt but never crude, amusing but rarely rude, opinionated but not obnoxious. It was a formula that made him the most popular morning radio guy in one of the world's most cutthroat radio towns. He walloped the competition as easily as if he were sunbathing.
>
> That's the mark of an artist—he makes the difficult look easy.

Uncle Bob, who for so many years in Chicago, to so many thousands of listeners around the Midwest, always

made the difficult look easy, I am going to miss you; we are all going to miss you. Thank you for all you have done for Chicago and for our community. May God comfort your wife Christine and your mother and father, and may God rest and keep your soul.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

NUCLEAR WASTE POLICY AMENDMENTS ACT OF 1999—Continued

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that during the Senate's consideration today the following amendments, following a brief debate, be agreed to, and the motions to reconsider be laid upon the table. The amendments are the Conrad amendment No. 2819 and the Murkowski amendment No. 2813.

I further ask unanimous consent that the time between now and 11 a.m. on Thursday be equally divided between the two managers, or their designees, and at 11 a.m. on Thursday the pending substitute amendment be agreed to, the bill be advanced to third reading, and passage occur, all without any intervening action or debate.

I further ask unanimous consent that the time between 10 a.m. and 11 a.m. on Thursday be under the control of Senators MURKOWSKI and BINGAMAN, or their designees.

Finally, I ask unanimous consent that the cloture vote scheduled to occur on the bill be vitiated.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, it is my understanding that we will have two brief amendments, with voice votes, by Senators CONRAD and MURKOWSKI—the two amendments that have been given to the Chair in number—and after that there will be debate on the bill itself, with a half hour for each side in the morning, and there will be no other amendments considered on this legislation until final passage.

Mr. MURKOWSKI. Mr. President, that is my understanding.

The PRESIDING OFFICER. That is the understanding of the Chair.

Mr. BRYAN. Mr. President, might I further inquire?

The PRESIDING OFFICER. Yes.

Mr. BRYAN. I think that is consistent with the understanding we have. I presume that this afternoon it is in order for us to continue to debate the measure, subject to whatever accommodations both sides need to make to permit equal opportunities to be heard.

The PRESIDING OFFICER. Is there objection to the request?

Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, in light of this agreement, I can announce that there will be no further votes today and final passage of the nuclear waste bill will occur tomorrow at 11 a.m.

Mr. REID. Mr. President, briefly interrupting the manager of the bill, I think it would be appropriate to ask for the yeas and nays on passage of the bill tomorrow, and I do so now.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MURKOWSKI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2813 TO AMENDMENT NO. 2808

(Purpose: To provide a substitute amendment)

Mr. MURKOWSKI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] proposes an amendment numbered 2813.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

AMENDMENT NO. 2819 TO AMENDMENT NO. 2813

(Purpose: To include the States of North Dakota, South Dakota, Wisconsin, and Michigan in the study required by this act)

Mr. MURKOWSKI. Mr. President, I call up amendment No. 2819 in the second degree offered by Senator CONRAD.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska (Mr. MURKOWSKI), for Mr. CONRAD, proposes an amendment numbered 2819 to amendment No. 2813.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 26, line 20 of the amendment, strike ''Minnesota'' and insert ''Minnesota, North Dakota, South Dakota, Wisconsin, and Michigan.''

Mr. MURKOWSKI. Mr. President, I know of no further debate on either of the amendments and ask the Chair to put the question on the amendments.

The PRESIDING OFFICER. Without objection, the second-degree amendment is agreed to. Without objection, the first-degree amendment, as amended, is agreed to.

The amendments (Nos. 2819 and 2813, as amended) were agreed to.

Mr. MURKOWSKI. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MURKOWSKI. I thank the Chair.

Let me take this opportunity to again thank my colleagues from Nevada for their understanding of this difficult issue and the effect, of course, it has on their State.

I encourage other Members who are seeking recognition and who might want to speak on this issue, this would be a good time to do it because we probably have an hour or two left today. Time being what it is in the morning, we have yet to hear from leadership as to what time the Senate will convene tomorrow.

Might I inquire of the Chair, is there any indication of that?

Mr. REID. Mr. President, will the Senator yield?

Mr. MURKOWSKI. I am happy to yield to my friend.

Mr. REID. Senator BRYAN wants to speak on the bill itself this evening. We have one other Member who wishes to speak in morning business. That is all we know of this afternoon. As the Senator indicated, if there are other Senators who wish to come and speak on this legislation, or as if in morning business, they should work their way over to the Capitol.

I also say to my friend that I haven't spoken to either leader, but I think we probably would come in at 9:30 in the morning. That is the normal time. Senator THURMOND is available.

Mr. MURKOWSKI. If I may respond to my good friend from Nevada, I don't think we have been able to ascertain when. But I join him in encouraging Members to come over and speak at this time. I have been notified that Senator CRAIG will be coming over this afternoon. Senator DOMENICI will be coming over, and I believe Senator SESSIONS. In any event, there probably will not be a lot of time tomorrow.

Mr. REID. If the Senator will again yield, it was the understanding of the minority that the time between 10 a.m. and 11 a.m. would be equally divided. It doesn't matter when we come in, just so everyone understands that.

Mr. MURKOWSKI. Yes. I certainly agree with my colleague from Nevada. That hour is to be split between both sides.

I would like to continue for a moment, if I may. There are a couple of points that I think are necessary to highlight. They concern the issue of the Environmental Protection Agency and just what the role is as determined by the changes we made.

I refer to language that is on pages 3, 4, and 5 as opposed to the statement we have from the administration on their

position. I should point out, that statement was given on February 8. It is a statement of administration policy. It states that as of February 4, 2000, the manager's amendment to S. 1287—I understand this amendment will be brought to the floor—undermines EPA's existing statutory authority to set standards to protect public health and the environment from radioactive releases. As a consequence, it is unacceptable to the administration because they say it undermines EPA's existing statutory authority and is, therefore, unacceptable.

They further acknowledge that the amendment allows EPA to exercise its existing authority to set appropriate radiation release standards for Yucca Mountain. It will allow another entity to block EPA's authority until June 1, 2001. Consequently, if the February 4, 2000, manager's amendment to S. 1287 is approved, and if the Senate bill with these provisions is presented to the President, the President will veto the bill.

I appeal to the administration. According to the Washington Post article which I read, the White House says it opposes the bill because it would take away from the EPA the sole authority to determine radiation exposure requirements at a future permanent waste repository if it is built in Nevada.

Let me read what it says.

Adoption of standard:

Notwithstanding the time schedule in section 801 of the Energy Policy Act, the administration shall not publish or adopt a public health and safety standard for the protection of the public from releases from radioactive materials stored or disposed of in the repository at the Yucca Mountain site except in accordance with this section before June 1st, 2001.

To suggest that they don't have the sole authority is not what the legislation says. It says they shall not have the authority to publish or adopt before June 1st, 2001.

Further, relative to this portion, it says: not later than April 1st, 2001, the Commission and the National Academy of Sciences shall, based on the proposed rule and the information provided by the Administrator—that is, the Administrator of EPA—under paragraph 1, shall submit a report to Congress on whether the proposed rule is consistent about section 801 of the Energy Policy Act;

Or, B, provides a reasonable expectation of the public health and safety and the environment will be adequately protected from the hazards posed by high-level radioactive waste and spent fuel disposed of in the repository;

And, C, it is based on the best reasonable obtainable scientific and technical information concerning the need for and consequences of the rule;

And, D, imposes the least burden consistent with obtaining the regulatory objective of protecting the public health and safety and the environment.

No. 3, in the event that either the Commission—that is, the Nuclear Regulatory Commission—or the National Academy of Sciences finds the proposed rule does not meet one or more of the criteria issued in paragraph 2, it shall notify the Administrator—that is, the EPA Administrator—not later than April 1st, 2001, of its finding and the basis for such finding.

I repeat that the Environmental Protection Agency has the final say and, under the statute, shall have the sole authority to address the levels of radiation but not before June 1st, 2001. We have not heard from the administration relative to those changes. I hope the administration will be sensitive to our effort to ensure that, indeed, the Environmental Protection Agency will have the last word.

The objective is not to take away from the obligation of the EPA, which has the authority under statute. The effort is to bring forth the best science available. If the Nuclear Regulatory Commission that licensed and monitors the plants has more Ph.D.s in the area of nuclear science and the National Academy of Sciences can contribute something, is that not in the public interest?

Again, I appeal to my colleagues to recognize our bottom line is simply to have an emission standard that is attainable and that allows Congress to address a final resting place for the waste.

Senator KERREY's office advised me he wishes to be deleted as a cosponsor of the amendment. I ask unanimous consent that request be honored.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. I assure my colleagues, Senator BINGAMAN, and the administration of our willingness to use the remaining time to try to be responsive to their concerns.

I will summarize the situation. We have been at this a long time. We all agree we have an obligation as elected representatives to resolve this problem. The failure of the Government—certainly not under this Secretary of Energy—to take the waste in January of 1998 is what we are living with today. The ratepayers have paid $15 billion in electric rates on their bills with the assumption the Federal Government would take that waste; the damages and the claims go on and on and on as a consequence of time passing as that waste remains at the sites of our nuclear plants. The nearest estimate we have is $40 billion to $80 billion. The longer we wait, the greater the burden of the taxpayer. I think the public looks to Congress to address this with resolve.

Some have suggested this administration simply does not want to resolve this matter on its watch. That may be the basic position of the administration. That may be justified in their minds. There is another group out there that sees the passage of this legislation to resolve what we will do with our nuclear waste as some kind of a significant benefit to the nuclear industry. If they can defeat this and bring the industry to its knees by causing it to choke on its own waste, nuclear power as we know in this country will die. It will reach a slow process of strangling on that waste, the nuclear power industry will go away, and we will simply generate power from some other source.

The difficulty I have with that is the inability to identify what that other source will be and what it will do to our air quality. To me there is a tradeoff in the process. If we lose the nuclear power generating capacity, which is about 20 percent in this Nation, what will we replace it with?

We have to solve the waste problem. If this administration does not want it to occur on its watch, we are still going to have to solve it under another administration, whether it be Republican or Democratic, or we are simply going to add this obligation of the damages to the American taxpayer. I think we are all in agreement that we simply must deal with it. We have an equal responsibility.

I gave an interview a few minutes ago. The first question was: Senator, why can't you resolve this? I am sure all my colleagues know why we can't resolve it. Nobody wants the waste.

Unfortunately for our good friend from Nevada, a decision was made to proceed with Yucca as a permanent repository some time ago. We have spent over $6 billion. The tunnel is drilled. We are awaiting licensing. That is where we are.

I am also told the administration is split on this. Some would like to see it resolved. Some don't want it resolved at all.

I guess it rests with each Member to recognize his or her responsibility as elected representatives to bring this to a resolve responsibly. If somebody else has a better idea of how to resolve it responsibly, they can certainly have this dais, the microphone, and whatever else goes with it.

I yield the floor.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I am pleased to come to the floor this afternoon and support the chairman of the Energy and Natural Resources Committee in an effort he has led for a good number of years. I have participated with him in trying to bring some reasonable resolution to the issue of a permanent repository for the high-level nuclear radioactive waste of this country.

Mr. President, this debate will proceed. It is my understanding we have a vote tomorrow morning. Already we have heard a variety of opinions on the process used to deal with the issue of high-level nuclear waste. Without question, this is an issue that Congress has dealt with over the years in which the public has had to go through more misstatements, false statements, or emotional statements about what isn't

true or what some wished might be true. All we can do is look at the scientific and engineering facts of the history of the management of nuclear waste in our country to say that this country, about 99.9 percent of the time, has done it right and not exposed their citizenry to the mismanagement of the storage of waste.

Yes, we have learned periodically of the handling of radioactive materials where mistakes were made and immediately corrected. However, our country has a positive legacy in nearly all instances of dealing with this issue.

The Senator from Alaska and I have brought different versions of this issue to the floor over the last 4 years as we have tried to force this administration to move responsibly following the enactment of a law in 1982 that was a long-term approach toward funding and establishing a permanent geologic repository. We are now at a time when the issue of radiation release standards at what may become the permanent geologic repository at Yucca Mountain has been largely the focus of what this legislation deals with.

It think it is important to put the debate in the context of what is happening under current law, not under the legislation, under the law as it stands today.

My purpose in describing the current situation is to explore with my colleagues what I believe is a problem with EPA's current path and for my colleagues to understand why I have reservations about the games that are currently being played.

My frustration with EPA is that sometimes their science is rolled up in politics.

Let me also be clear about what is at stake. I firmly believe, if Congress does nothing on this issue, what is at stake is the viability of geologic disposal. In other words, to me this issue is larger than the site at Yucca Mountain. It is about whether or not we will be able to site and license a geologic repository anywhere in our country.

It is not by accident that legislatively we picked Yucca Mountain years ago. It was not done with a crystal ball. It was done with some reasonable knowledge that the geology of the region might well hold up and would probably be a point of isolation of the kind we would want for a repository, compared with no other place in the Nation. That has still held up and remains true today.

I do not believe the current process for setting radiation standards in dealing with this is what I would hope we would have. It is not being informed by good science, and I hope that Congress will bring good science back into the process. That is why this legislation is very important.

The chairman's original bill, S. 1287, contained the remedy of giving authority to set radiation standards to the Nuclear Regulatory Commission. Why? Credibility. Honesty, no politics, in large part, and a historic standard of doing it with the kind of science and knowledge that you want to have to make these kind of decisions.

The chairman's substitute bill has a different remedy. EPA would still set the radiation standards but only in consultation with the NRC and the National Academy of Sciences.

I wish EPA were not setting those standards. I don't think they have the scientific knowledge or credibility to do so, although we have created this myth about them because it says: They are the Environmental Protection Agency. Surely their commitment is to the environment.

Sometimes their commitment is to politics. You cannot say that about the National Academy and you cannot say that for the NRC. So what we have tried to do and what the chairman, I believe, has successfully done is bring all this together. Therefore, we can maybe satisfy the political side of it and, I hope above hope, we can address the scientific and the engineering side of it in a way that is credible and, most important, safe for our public and, of course, safe for the State of Nevada. Both of these approaches are superior to the current situation which I would like to describe.

Today, the Environmental Protection Agency is responsible for setting the radiation standards at the Yucca Mountain repository. That authority was granted to EPA in the Energy Policy Act of 1992. So on August 19 of last year, 1999, the EPA finally proposed a draft radiation standard. That draft standard is lengthy and has a lot of technical detail, but it boils down to two critical items. In other words, when you sort through the chaff, here are the facts that make this issue important.

First, EPA's draft proposes an individual protection standard from all exposure pathways—food, water, air, et cetera—of no more than 15 millirems per year.

Second, EPA proposes a ground water protection standard that limits ground water contamination to levels at or below EPA's maximum contaminant levels for drinking water—drinking water, in an area where none is drank, or where there are no people to drink it.

What that means, in simple terms, is that if we are able to sink a well at the repository and draw the water up and into a glass, EPA says you have to be able to drink that water straight from the ground without treatment.

Not much water is consumed without treatment today, except maybe in an isolated farmsteads and in some rural areas. There are very few places, even in remote wilderness areas, where I would be willing to sample drinking water in the way I have just described it. Even in some of the pristine, beautiful areas of my State of Idaho, I suggest you do not drink from a stream. My forebears were able to do that, but today you might get a bacterial contamination known as Giardia.

So we have a 15-millirem standard overall for Yucca Mountain and requirements for underground water that translates, I am told, to a limit of about 4 millirem exposure from underground water. Those are technical terms. That is why I have tried to break them down to a simple explanation as to what it might mean.

What I want my colleagues to understand is that these levels, 15 millirems and 4 millirems, are measured against a background level, a point of measurement. You have to have that to determine any increases. You go to what is known as a background level of naturally occurring radiation—from the rocks, the nature of rocks, and of course the Earth and the atmosphere itself—naturally occurring radiation of about 300 millirems per year.

Yucca Mountain is located in a very arid, desert environment. If you had to try to find a site within the entire contiguous United States where you might have some hope of meeting a 4-millirem ground water standard, Yucca Mountain is the kind of site you would want to pick. Yet even in the case of Yucca Mountain, the period of performance is so long and the radiation limit is so unrealistically stringent that there is some doubt that the Department of Energy will be able to demonstrate with absolute certainty that a 4-millirem ground water standard could be met.

If a dry, desert site cannot meet a 4-millirem ground water limit, it is reasonable to question whether any site anywhere could meet this unrealistic standard.

I could talk at length about how ridiculous I find these kinds of radiation limitations, but I think there is a body of criticism of EPA's proposal already existing in many of the comments that have been submitted by experts—not politicians but by experts on EPA's draft. Perhaps it will be more persuasive to my colleagues if I quote from the comments submitted to EPA by radiation experts regarding this draft radiation standard.

The American Nuclear Society, which is a nonprofit professional association made up of 11,000 members who are nuclear scientists, engineers, administrators, educators, physicians—you notice in that list I did not say politicians; they do not have a reason to be political, they are professionals in an area of importance to this country—they submitted comments on EPA's radiation standards. The American Nuclear Society had the following to say regarding the 15-millirem proposal:

> The individual dose limit that EPA is recommending is not appropriate.

That is what they said.

> EPA points out that the proposed dose limit of 15 millirem per year is far below the level of background radiation—

I have already mentioned that—

> (about 300 millirem per year) and that any hypothesized effects of background radiation are not detectable against the rate of health

effects in the general public. While this is certainly true, we believe that the Nuclear Regulatory Commission has a better basis in scientific logic than EPA. The individual dose limit that the NRC has proposed (25 millirem per year) is also lower than warranted. . . . [W]e conclude that a dose standard of 70 millirem for the repository alone is appropriate, conservative, and adequately protective.

So the American Nuclear Society, an association of these 11 million professionals, has endorsed a radiation standard as high as 70 millirem per year.

What does the American Nuclear Society have to say about the 4-millirem groundwater standard? They say the following:

A ground water standard is unnecessary. . . . EPA's reasons for applying a groundwater standard appear to stem from a desire to influence the engineering design of the repository and to reduce collective dose to the general population, neither of which is appropriate. Both approaches are inconsistent with the National Academy of Sciences conclusion that an individual dose standard is adequately protective. . . .

In other words, you do not need to do both.

[V]ery small individual doses are not meaningful in assessing public health impacts. . . . In addition, the Linear, Non-Threshold theory of radiation health effects is being questioned with increasing intensity, and a body of scientific opinion exists today that holds it to be without scientific basis. . . .

If it is ''without scientific basis,'' then maybe the only basis left is a political basis. That is the frustration with which the chairman and I have had to deal for the last few years as we have tried to bring this issue to completion so the American people would know they had a permanent, safe repository in which to put high-level nuclear waste.

How do other nuclear experts look at this? Let me turn to the comments submitted to EPA by the Nuclear Regulatory Commission in a letter dated November 2, 1999, providing NRC's review of EPA's draft 15 and 4 millirem radiation standard.

On the ground water standard, NRC commented the following:

The NRC staff objects to the inclusion of separate groundwater protection requirements for the proposed repository at Yucca Mountain because these requirements would result in non-uniform risk levels, they misapply the Maximum Contaminant Levels . . ., and they far exceed what is needed for protection of public health and safety.

If the public is listening to me or if they have listened to some of this debate, they would say: But, Senator CRAIG, don't you really want to make this as safe as humanly possible?

The answer, of course, is yes. The only problem with what EPA is saying is that if we make it that safe, we cannot make it. Of course, I am sure my colleagues from Nevada hope that would be the case. If that were true and if it were to become true, this Nation would still be without what the world of engineering and science says is a safe, permanent repository for nuclear waste. Why? Because we allowed politicians instead of scientists to make a determination as to what is right and how this facility ought to be constructed for the purpose of long-term safety.

What does the NRC have to say about the 15-millirem limit as compared to the NRC's proposed 25-millirem limit per year? Again I quote from the NRC's comment letter to EPA:

Although the EPA rule proposes a lower limit of 15 millirem, and the difference between 15 and 25 millirem is small, the lower value is not necessary for protection of public health and safety and would provide little, if any, reduction in health risk when compared with 25 millirem. It is also important to consider that the average American receives approximately 300 millirem per year from background radiation.

Oh, my goodness, you mean we are all being irradiated as we stand here or as we travel in our cars or live in our homes or walk in our back yards? The answer is, yes, we are. It is natural. Shame on that Sun and shame on the ground and shame on the minerals within the ground because they collectively give us 300 millirem per year in background radiation.

NRC goes on to say:

In addition to the lack of public health and safety benefits, there are regulatory concerns associated with lowering the dose limit to 15 millirem. Specifically, as the dose limit becomes smaller, limitations in the DOE's models used for estimating performance, and the associated uncertainties in supporting analysis, become more pronounced.

In other words, how you prove your case becomes more complicated.

Further, a 15 millirem dose limit is likely to cause unnecessary confusion for the public and cause the NRC to expend resources without a commensurate increase in public health and safety.

Zero risk. Is it possible in the world today, with all of our talent, all of our intelligence, and the best computers in the world, to construct a zero-risk environment? The answer is no. It cannot be done. It is humanly impossible under any circumstance for any situation; not just for radioactive material, but automobiles and planes, walking across the street, or riding the train back to our offices in the Senate. Zero risk? No. It does not exist. It does not exist in science, and it does not exist in the environment. It never has, and it never will.

Yet I am quite sure the public believes we are so sophisticated today that we in fact could create that with the unique talents of this country. We cannot. It is important we say that. That is why we have professionals determine what is doable, right, and responsible, and that is all tied with costs and the ability to create.

What the NRC is saying by that—''the expending of resources without commensurate increase in public health''—is one can lower it to such a level of safety that there is no justification to go beyond that.

I could continue quoting from these various radiation experts for a very long while because the list is long; remember, experts not politicians. Their objections to EPA's current draft radiation standards reflect a very thorough and well-researched review of EPA's proposal, and the criticisms of these experts should inform our debate as we struggle to understand what all of these numbers mean and what they mean for the future of this country's nuclear waste disposal program.

But I think perhaps DOE said it best, in a letter to EPA transmitting DOE's comments on the draft radiation standard. And the reason that I like this quote is, I think it sets the larger context for what these radiation standards mean for our ultimate success or failure.

DOE says the following:

EPA's standards will play a pivotal role in achieving the long-standing policy of the United States to properly dispose of high-level radioactive waste and spent nuclear fuel in an underground mined geologic repository. The Nuclear Regulatory Commission must implement EPA's standards in its regulations for licensing a repository at the Yucca Mountain site, and DOE must be able to comply with those NRC regulations in order to construct a repository. If EPA were to select unrealistic, unnecessarily conservative, or non site-specific standards, the result could be the rejection of an otherwise suitable site, and the de facto rejection of the geologic disposal option without commensurate benefit to the protection of public health and safety. Such rejection would not avoid the consequences of radioactive water management, but it would require resort to a different and currently undefined approach.

I think the statement I just read describes the situation we are in now with EPA's unrealistic and unsupportable draft standard. I hope my colleagues will agree with me that this is a situation Congress must act to correct, by bringing good science back into the process of setting a radiation standard.

We need a disposal program. Congress, more than a decade ago, chose a course, a path. We began to tax the ratepayers of the utilities that have nuclear generation in this country to pay for that path.

That is where we are today. Some resist that path using all the reasons they can humanly generate, and that is why it is important we have this legislation. I hope the Congress can pass it and the President will sign it.

Those are the issues with which we have to deal in understanding this problem. It is critically important to our Nation.

At lunch today, I addressed a group of congressional staff and people in town who represent energy companies and those who do not. I said: I find it fascinating that the administration would want to take us through a climate change initiative, known as the Kyoto Protocol, in which they want to reduce carbon emissions in this country; therefore, we would have to reduce the use of fossil fuels which are currently our most abundant source of energy. In doing so, they are also not

willing to find a way to deal with nuclear waste, so that we can see an extension of the nuclear generation of our country for electricity. They are downplaying that energy source also, and, at the same time, we have a Secretary of Interior who wants to blow up hydro dams. They downplay hydro, and they will not even put hydro in the renewable resource category.

I find it fascinating, a country that exists on energy, an economy that is being driven today by artificial intelligence as a new industry, and that very industry operates on electricity itself.

I see our staff on the floor with computers in front of them. If you turned off the power of that computer, its brain would go dead, we would no longer have the tremendous expansion of this economy from which we are all benefiting. Yet we have an administration phenomenally resistant to the establishment of a permanent repository for nuclear waste but is open to the idea that if you do not handle the waste, you will ultimately kill the industry; and if you kill the industry, you will never build another nuclear reactor to generate environmentally clean electrical energy. And they want to get rid of the dams and they want to stop burning fossil fuels. Oh, my goodness.

What a reality check for our country, to have as our national policy no energy policy at all. Our wealth and our very existence, as a major economic force in the world, has always been built on the abundance of reasonably inexpensive but readily available energy.

That is a part of all of this debate. I think it is probably separate from what my colleagues from Nevada would say in opposing this legislation. Obviously, they have to reflect the politics of home, as they should.

But for a President to say, in a relatively unspoken way, as a policy for the country, we have no energy policy at all—we do not even have an energy strategy except maybe a few windmills and solar cells—it is no policy at all.

That is why we are on the floor trying to close the link between the generator of electrical power, by the use of the atom, and the necessity to have a responsible method for handling the waste that is created by that form of generation.

While the rest of the world around us builds nuclear reactors for generating power, and has responsibly handled their waste—and has used, in large part, our technology to do so—we have been bound up in the politics of it for well over a decade. I hope, finally, an opportunity exists for us to break through it.

In my opinion, this is one of the most significant environmental bills we will have before the Congress this year. While those on the other side would like to cast it as antienvironment, finding a way to collect the nuclear waste of this country, and putting it in one safe spot, far from any human being, high in the dry desert of Nevada, seems to me, and a lot of other people, to be darn good policy.

So let me thank my colleague from Alaska for his leadership. While he and I over the years have had disagreements on this issue, we have worked them out. We have asked the Senate to work with us to work out the differences. In most instances they have because this policy is too important for the normal course of politics that it has been served. This is an issue whose time has come. I hope the Senate and the House recognize that as we attempt to deal with it.

Again, I thank my chairman and yield the floor.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. Mr. President, I acknowledge that this piece of legislation, as it has worked its way from the committee to the floor, is better than its original form. But the old adage that you can't make a silk purse out of a sow's ear is applicable to this piece of legislation. It represents exceedingly bad policy.

I am bemused by my friends who are advocating on behalf of this piece of legislation in that laced throughout their comments is the suggestion that somehow those of us who oppose this legislation are ''playing politics.'' I think it is important, once again, to recite a little of the history.

In 1982, when the Nuclear Waste Policy Act was enacted into law, Congress made a judgment. I think it was a sound judgment. Congress concluded that it lacked the expertise to set public health and safety standards. They chose the Environmental Protection Agency, which is responsible generally for setting health and safety standards, as the appropriate agency to serve that function.

I think that was a sound policy judgment. It was to use the language I frequently have heard on the floor, responsible. It was good science. It was responsible then and it is responsible now.

Had that 1982 piece of legislation gone unchanged, it would have set in motion a chain of events that would, in fact, have at least been, at the outset, predicated upon science and not politics.

As I have said before in this Chamber, I think that piece of legislation was a balanced approach. It would search the entire country and look for the best possible geological formations. We would have had regional equity so no one part of the country would bear it all; that three sites could be studied. Once they met the scientific criteria, they would be submitted to the President of the United States. The President would select one. I think that is fair. I think that is balanced. I think it is good science.

Let me respond to this issue of politics because I am both bemused and frustrated.

The first example of politics is the Department of Energy's own decision to eliminate one particular section of the country from any consideration at all in terms of being considered. That was the Northeast. The Department of Energy, in their internal documents, said: The political resistance will be too strong. We will never be able to get a site established in that part of the country, even though granite may be an acceptable geological material in which to place a repository.

What was that? Was that science? Was that responsible? It was politics—not politics played by the Senators from Nevada or the good people of my State but politics by the Agency.

As I stated yesterday, in 1984, we had a Presidential election. During the course of that election, the then-incumbent President said: Look, we're going to eliminate the folks in the Southeast. Salt dome formations will not be considered.

Was that science? Was that responsible? It was politics—not politics by the Senators representing Nevada at that time, nor politics by the people in our own State.

What occurred? In 1987, the law was changed so that only one site would be studied at Yucca Mountain. I have expressed my strong opposition to that. I do not like it. Was it science? Of course not. Was it responsible? Of course not. That was naked politics—naked political aggression visited upon my State. You have heard me characterize that legislation as the ''Screw Nevada Bill,'' as it is known throughout my State. That is politics—politics played by the Senate and the House of Representatives and the President in offering what was originally a balanced piece of legislation. There is not a scientist in the country who would argue that those changes were made in the interest of science or that they could be categorized as anything else other than a political decision.

My point is, this process, that was set out in the 1982 Nuclear Waste Policy Act, is self-executing. It sets forth the process as to how we ultimately make this determination.

What has occurred over the years is the injection of politics—originally on a regional basis and now, as we debate it on the floor, with the nuclear utility industry.

I suspect there are very few people who are listening to this debate who can define a millirem or tell us the difference between a millirem and a kilowatt. I confess that I am not a scientist. So let me try to categorize this as best I can in terms of what we are doing.

In the location of the transuranic waste storage facility in New Mexico, the Environmental Protection Agency, then as now, is charged with the responsibility of setting a health and safety standard.

These are the basic principles involved: A geologic repository designed to isolate radioactive waste from humans and the environment. That is

what is occurring at Yucca Mountain. I don't like it, but that is what is occurring. That is going forward. This notion that there is an overriding necessity to enact some new piece of legislation is simply not true. This process continues. Sometime at the end of this year, perhaps, there will be a finalized environmental impact statement, and a couple or 3 years down the road there will be a recommendation for site selection. None of that has occurred at this point. It may occur down the road. It has not yet occurred. No reason to act other than that the nuclear utility industry, in the middle of this ballgame, wants to move the goalposts because they cannot be sure the guaranteed outcome they seek, irrespective of public health and safety—namely, opening the repository at Yucca Mountain—can occur if, indeed, public health and safety considerations are allowed to prevail.

So we have essentially a geologic repository designed to isolate radioactive waste. The Waste Isolation Pilot Plant and Yucca Mountain share the same. The possibility of widespread contamination of both food and water sources and the human population likewise is a concern of the WIPP facility and Yucca Mountain. Radiation standards are to be established by the EPA to protect human health and the environment; that is true with WIPP, and those standards had been set at 15 millirems, and Yucca Mountain.

So I think the question has to be asked: Why should Yucca Mountain be treated any differently? Is there a scientific reason? The answer is no. It is a political reason: to accommodate a nuclear utility industry which exercises enormous power and influence in the Halls of Congress and, frankly, wants to change the rules of the game in midstream; not to protect public health and safety but to get rid of nuclear waste irrespective of the consequences.

We could talk about background radiation and all of that sort of thing forever and ever. I think this is the most important issue: Is the standard that was set for the WIPP fair and reasonable? I assume that it is. There was no controversy attached to that. Nobody said we ought to take the EPA out of that; we ought to put in the Nuclear Regulatory Commission. There was no objection to it. It moved forward.

Is the EPA being reasonable and responsible and scientific? I think the answer is clearly yes. The 1992 energy bill, which has been referenced in this debate, had inserted a provision which said the National Academy of Sciences needs to take a look at whatever the EPA standard is to see if it is reasonable and within a recommended range. They have done that. Here is what the National Academy of Sciences' recommended range. This is the millirems we are talking about, which simply means the amount of radioactive exposure an individual can have in a given year from this source. What was proposed at WIPP? Fifteen millirems. The EPA proposes 15 millirems at Yucca Mountain.

Now, S. 1287 in its original version, not the bill we are now debating, had a 30-millirem standard. What does the National Academy of Sciences say? I confess, I don't know the difference between 2 millirems and 3 millirems. I suspect if my colleagues are as forthright as I am, they couldn't tell the difference either.

The point that needs to be made is, the National Academy of Sciences—these are scientists; they are not politicians—says that is a reasonable standard. They say the standard, to be reasonable, could be as little as 2 millirems or as great as 20. That is a reasonable standard.

What did the EPA come up with? Fifteen millirems. Why is this debate occurring? It is all about politics—not politics in Nevada but politics by the nuclear power industry because they want a standard that is less protective in terms of public health and safety. That is what this issue is all about: public health and safety. We would not be on the floor debating today if the nuclear power industry was not pushing and driving to weaken that standard the EPA has proposed. That is a fact of life, my friends.

Let us talk about the 4-millirem standard for water for a moment. I know my good friend from Alaska is privileged to be from an absolutely magnificently beautiful State. I have been to his State. I love it, perhaps not with the same passion and conviction he does, but it is a gorgeous State. The State of Alaska, unlike the State of Nevada, is fortunate that nature has been more bountiful in terms of the amount of water it has. Nevada is the most arid of the 50 States. Las Vegas, with a metropolitan population of more than 1.3 million, is the most arid of all of the major population centers in America.

When we talk about this 4-millirem standard for safe drinking water, it has been suggested that somehow that water would have to be extracted from the aquifer—that is the underground formation in which water is situated—and would be capable of being consumed at that very minute. That is simply not true. All the 4-millirem standard deals with is the amount of radiation. That water may have other contaminants—arsenic. It may have to be subject to a whole series of processes, whether it is a reverse osmosis process, which sometimes we have to use in southern Nevada, adding chlorine to it, or whatever else might have to be done to make it fit for human consumption. But what we do not want to do is to damage a water resource which a growing State such as Nevada will need in the future.

The notion that somehow we can cavalierly dismiss the notion of a standard to protect us in terms of safe drinking water is somewhat outrageous. Perhaps if nature had been more bountiful, we could say maybe that aquifer isn't all that important. Maybe we don't need to be concerned about it because we have water all over the place.

In point of fact, Nevada has marvelous geography. It is a State for which I have great passion, and I am eager to return at the conclusion of this year and the end of my term. But the one thing we do not have is a lot of water.

I think Mark Twain once hit it right on the head when he came to Nevada as a young man. He came believing there was a position as an assistant to his brother, who was the secretary of state during Nevada's territorial period of time. He wrote a book about those experiences. He talked about water. He said: Whiskey is for drinking, and water is for fighting.

In the arid West, water is life itself. Water is a resource that we protect because it is vitally important to us. This aquifer needs the protection, and the EPA, the agency which Congress chose, has said that a 4-millirem standard for safe drinking water is reasonable and is good science. That is science.

What is occurring here is a political effort to divert that standard from going into effect. I appreciate the candor of my friend, the chairman of the committee. We want to make sure that the measuring is under a regulation that allows waste to go to Yucca Mountain.

That says nothing about health and safety. And as a Nevada Senator, that energizes me. It angers me. It makes me very angry and I don't like the process that has occurred. I do not like the fact that Nevada was designated in a ''screw Nevada bill'' as the only site to be considered. I don't like that. I am opposed to that. But if it is going to occur—and that is the state of the record—that Yucca Mountain is the only place to be studied, why? And by what conceivable rationale, if there is any public morality at all, would we suggest that somehow the people of Nevada ought to be subject to a lower public health and safety standard than our good friends from New Mexico in the WIPP facility—15 millirems and 4 millirems for the safe drinking water?

As I have said, is it somehow that Nevadans are subcretins, less human? I am outraged at that suggestion or notion. As offended as I am by the process by which Nevada was selected—by politics, not science—the ''Screw Nevada Bill''—at least the people in our State, as this process moves forward, ought to be entitled to the basic minimum health and safety standards of the EPA.

Let me be clear. The EPA was not established by some left-wing, radical, commie sympathizer group of folks. This agency was brought to life during a Republican administration—the administration of Richard Nixon. In 1982, there was essentially a Republican Senate, and a Republican President made the determination in this piece of legislation—the Nuclear Waste Policy

Act—that the Environmental Protection Agency was the appropriate place for the determination to be made in terms of public health and safety standards.

So I submit that you don't have to know a lot about millirems, or about aquifers, and you don't have to know a whole lot about this issue to understand that the one agency that is charged by law with providing public health and safety, the Environmental Protection Agency, was charged with that responsibility 18 years ago in this act, and has exercised that responsibility with WIPP, and there was not a murmur—no suggestion—that that was somehow radical, that it was political, not science.

We are simply asking for no more and demanding that there be no less protection for us. That is really all you need to know about this argument. It is simply an attempt to reduce those standards. And somehow to suggest that unless we pass this piece of legislation, this process that began back in the early 1980s to locate a permanent repository cannot go forward, that simply is not true. This process continues.

We are spending hundreds of millions of dollars studying that Yucca Mountain facility to see whether or not it is suitable, and that is ongoing. That would continue, much to my regret, as I have indicated, if this piece of legislation had never been conceived or seen the light of day.

What is involved here is the nuclear utilities. Yes, sure, they would like the American Society for Nuclear Engineers to make the judgment. It doesn't give me, as a citizen, great comfort that crowd is going to be more concerned about my health and safety, that of my children and grandchildren—two of whom live in Nevada—but the EPA has a pretty decent track record, and it was not challenged previously—not challenged.

So what this is all about is to kind of bump this standard over into next year. Presidential politics. We know we are going to have a new President, and the hope of the nuclear utility industry is that a new President will say to the nuclear utilities, look, you can have whatever standard you want. I hope and pray to the good Lord that does not occur, but that is what this is all about. It is not necessary. It is not scientific, and it is not responsible to proceed on the course of action that we are asked to follow in this piece of legislation.

I appeal to my colleagues in the name of fairness. All we are asking is to have the same measure of protection that is accorded to the good people of New Mexico with respect to their nuclear facility, which the Nevadans will be entitled to if Yucca Mountain is ever determined to be scientifically and suitably situated for the receipt of that waste. That is not an unreasonable premise. It is not an unreasonable request. We are not asking you to repeal the ''Screw Nevada Bill,'' much as I object to the political way in which our State was savaged for it. That is a fight for another day.

Having had that piece of legislation shoved down our throat, we certainly ought to be entitled, as human beings who happen to live, as I do, within 90 miles of that site, to the protection of the agency that is charged by law with protecting the health and safety recommendations, and that an independent oversight group, the National Academy of Science, says is within the recommended range.

What is wrong with that? The answer is, nothing is wrong with that except the politics that the nuclear industry would visit upon this Chamber and say: Look, you have to help us out; I am not sure we can make that standard. Reduce it, dilute it, kick it over until next year, and maybe we will get a new President who will be less responsive to the concerns of public health and safety.

I ask my colleagues, when we vote on this at 11 o'clock tomorrow, to reject this ill-conceived piece of legislation. It will be vetoed by the President and opposed by the EPA, opposed by the Council on Environmental Quality, and by every environmental organization of which I am aware.

It is said that this is an important piece of environmental legislation. Let me correct the RECORD. This is not an important piece of environmental legislation. If this is allowed to occur, this is an environmental travesty. I hope my colleagues will not allow that to occur.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MURKOWSKI). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I want to join the occupant of the chair on his remarks in support of this legislation, which is far too long overdue and which has cost the taxpayers money because your efforts to see it passed have been frustrated.

The leadership you, and others have given to this bill has made a compelling case for its passage. I believe we ought to move forward with it, and hopefully we will this time.

I do not agree with some who say this is not an important piece of environmental legislation. It clearly is. We have nuclear waste all over this country in nuclear facilities in less than ideal conditions. That waste can be moved to an ideal location approved by the Federal Government. This is a bill which would help make that happen and clean up the environment.

I would like to share some thoughts. I come at this with a little bit of a different view, as I am sure others do. I don't speak for anybody else, and certainly not the chairman who has advocated this legislation so ably. I would like to share a personal insight into where I am coming from with regard to this legislation.

During his State of the Union Address, President Clinton remarked:

''The greatest environmental challenge of the new century is global warming. The scientists tell us that the 1990s were the hottest decade of the entire millennium. If we fail to reduce the emission of greenhouse gases''—that comes from burning fossil fuel—''deadly heat waves and droughts will become more frequent, coastal areas will flood, and economies will be disrupted. That is going to happen, unless we act.''

But just because the President declared it so does not necessarily make it so. Science surrounding climate change is very complex. In fact, NASA has found through satellite data that the upper atmosphere has not warmed at all over the last 20 years. But, regardless of that, we don't know what is happening out there. Change is always about.

The notion that our coastlines will flood or that heat waves will plague the world is a view that is shared by a lot of radical environmentalists, nongrowth people in this country and around the world. Some scientists have actually studied the matter, however, and concluded that there are many beneficial changes that occur when carbon dioxide levels increase. If there is more carbon dioxide in the atmosphere, plants grow better. They suck in carbon dioxide and emit oxygen in the process of life that all plants go through.

Regardless of who is right and the status of this debate, all of us should look forward to working together in developing a plan to reduce air pollution. In doing so, we will at the same time reduce these greenhouse gases, many of which are not damaging to our health. But we will do that anytime we reduce pollution, as a general rule.

The largest component of greenhouse gases, of course, is carbon dioxide, CO_2, which is not an unhealthy gas. President Clinton and Vice President GORE have already tried to commit our country, through the Kyoto global warming treaty, to an agreement which would call on the United States to reduce greenhouse gas emissions by 7 percent below the 1990 level by the year 2002. That was a goal of Kyoto. The Vice President was adamant about committing the United States to reducing emissions 7 percent below 1990 levels by 2012, just 12 years from now. And the United States already produces greenhouse gas emissions that are 8 percent over 1990 levels.

The Energy Information Administration predicts that the United States, however, will need about a 30-percent increase in electricity by the year 2015. We are talking about reducing greenhouse gases in the next 12 years by 15 percent from current levels during a

time when we need a 30-percent increase in power. It is going to be very difficult to do under any circumstances.

But at the same time we are faced with these difficult choices, this administration has surprisingly and openly opposed the use and continued development of the only options we have to realistically meet the emissions reduction goals—nuclear power and natural gas.

Nuclear power currently provides over 20 percent of the electric power in this country. Given the state of energy technology today, a critical component of our emissions reductions plan should be the safe use of nuclear power. We must maintain this energy source, perhaps making it a larger source of our energy mix, and not dismiss its future use outright by opposing this critical legislation.

As an example of the environmentally friendly capacity of nuclear power, consider this: Between 1973 and 1997, nuclear power generation avoided the emission of 82.2 million tons of sulfur dioxide, and more than 37 million tons of nitrogen oxide, which would have been released if that electricity had been produced by fossil fuel plants. In 1997 alone, emissions of sulfur dioxide in 1 year would have been about 5 million tons higher, and emissions of nitrogen oxide would have been 2.4 million tons higher had fossil generation plants replaced this nuclear generation. In addition, literally billions of tons of carbon and millions of tons of methane emissions—believed to be the most significant greenhouse gas—could have been avoided by the sensible use of nuclear power in this country.

Even though we are still fighting health problems associated with pollution, a problem that is measurable and real, the safe use of nuclear power in this country and elsewhere has helped all of us to breathe easier. In fact, there has not been a single incident in this country of a person being significantly injured or losing their life at a nuclear power plant in the entire history of US nuclear power production. That wouldn't have been true at plants burning coal. How many coal trucks have had wrecks and killed people? How many coal miners have been injured or killed? How many people have been killed in moving gas through pipelines and that kind of thing? Nuclear power has actually been much safer than those options.

Indeed, other countries are far ahead of us. In France, 76 percent of their power is nuclear. And soon, 50 percent of the power in Japan will be generated by nuclear plants. Nuclear powerplants provided some 16 percent of the world's energy production in 1998. Yet the United States hasn't proposed to build a new plant in over 23 years. One reason is the cost is rising and is being driven up by our inability to dispose of even small amounts of nuclear waste.

On November 8, 1997, just after signing the Kyoto greenhouse gas treaty, Vice President Gore stated:

> There are other parts of the Earth's ecological systems that are also threatened by the increasingly harsh impact of thoughtless behavior: The poisoning of too many places where people—especially poor people—live, and the deaths of too many children—especially poor children—from polluted water and dirty air.

Perhaps the Vice President should heed his own rhetoric and stop the thoughtless behavior put forth by his own administration that has discouraged both the use of nuclear power and the production of our cleanest fossil fuel—natural gas.

On September 3, 1999, Vice President GORE pledged to stop the new leasing of oil and gas sites offshore.

It is really a stunning thing. We are producing natural gas mainly in the Gulf of Mexico at unprecedented rates. And we have the opportunity, through recent discoveries there, to produce even more. Producing more natural gas in this country will reduce our burden on coal and it will reduce our burden on oil, which is more polluting. It will reduce our trade imbalance and debt to foreign producers in the Middle East where we are shifting huge amounts of our wealth.

Vice President GORE said we are going to stop natural gas production. He went on to state his intention to shut down even existing gas wells. Near my home in Mobile Bay, I fished around the oil and gas rigs there. It is some of the cleanest water you can find. We are having no problems with those wells.

The Vice President said:

> If elected President, I will take steps to prevent any drilling on the older leases that were granted during previous administrations . . .

He is even committing to shut down current natural gas wells that are producing the cleanest form of fossil fuel energy we have today.

These comments and the policies of this administration on pollution and the environment just don't mesh. There simply is no way to meet our pollution reduction goals while simultaneously stopping the production of clean natural gas and blocking the development of a healthy nuclear power industry in this country.

The Senator from Idaho earlier said we have no energy policy in this country. We are drifting from poll to poll. Well I think he may be right.

Some say wind, solar, and biomass technologies are the way to meet our air pollution goals. I know of some good research projects. One in my home State uses switch grass and coal to help produce electricity. It is an environmentally friendly project and I hope it will be successful. While a lot of progress has been made in this area, we must face the reality that these new technologies are good steps—but they are small steps; they simply cannot be relied upon to meet our energy needs over the next 40 to 50 years.

Every day, new ideas, new procedures, and new techniques cut fuel use, allowing citizens to get energy with less pollution. Refrigerators today are using less than half the electricity they did 15 or 20 years ago. That is good progress. The fact is, electricity consumption is up in the last 8 years despite these huge increases in efficiency. World demand also will rise.

The theory of global warming does not hinge solely on pollution in the United States. The theory suggests that global air emissions are creating, so the theory goes, a greenhouse effect that might raise the temperature around the world. I know people have become absolutely convinced this is a scientific fact; my staff and I have been doing research and I am not yet convinced. Again I repeat: NASA has monitored the temperature of the upper atmosphere for over 20 years using satellites, and they find the upper atmosphere has not warmed. Originally, the greenhouse gas theorists believed that this part of the atmosphere would be where the warming would first occur. It has not.

I point out that even members of President Clinton's own administration have recognized that nuclear power must play a large part in our energy mix. In March of 1999, Ambassador John Ritch, President Clinton's appointed Ambassador to the North Atlantic Assembly, an assembly of parliamentarians to the North Atlantic countries, commented on this issue we are debating today. He said:

> The reality is that, of all energy forms capable of meeting the world's expanding needs, nuclear power yields the least and most easily managed waste.

In October of 1998, Under Secretary of State Stuart Eizenstat remarked:

> I believe very firmly that nuclear [power] has to be a significant part of our energy future and a large part of the Western world if we are going to meet these emission reduction targets. Those who think we can accomplish these goals without a significant nuclear industry are simply mistaken.

However, we cannot have this industry if we cannot dispose of the waste.

By passing sensible nuclear waste legislation, we have the greatest opportunity to reduce air pollution since the passage of the Clean Air Act. Nuclear power produces virtually no air emissions and generates an extremely small amount of solid waste. In fact, relative to the amount of power generated per ton of waste produced, nuclear power rates among the cleanest of all energy technologies.

My judgment, which has been formed over time, is that we have to develop policies which will encourage the future development of nuclear power in this country—not build roadblocks to its use. How can we continue to maintain 20-percent power production from nuclear plants if these plants are now going to reach an age where they will have to be closed down? What will we do? The only choice is to burn fossil fuel if we don't use nuclear power.

Currently, there are tons of spent nuclear fuel stored at 71 sites in 34 States around this country. Most of the spent

fuel is stored onsite at nuclear plants. The Nuclear Waste Policy Act of 1982 established a nuclear waste storage fund and required the Department of Energy to begin accepting nuclear waste from these plants all over the country by 1998. The fund was paid for by a user fee imposed on customers of electricity—that is, American citizens. That is, in effect, a tax on American citizens that has been paid for quite some time to store this nuclear waste.

To date, the fund has grown to over $15 billion, as the chairman has pointed out. Not a single ton of spent nuclear fuel has been accepted by the Department of Energy. That is an outrage. As a result of the Department's failure to meet the 1998 deadline, the Department is currently facing multiple lawsuits which could cost the Federal Government—and taxpayers—tens of billions of dollars for their failure to produce a safe storage spot and make it available.

The Department of Energy has spent over $4 billion to study the safety and environmental impact of storing spent nuclear fuel at Yucca Mountain site. That is $4 billion. The general fund budget of the State of Alabama, with 4 million citizens, is $1 billion. Four billion is a lot of money that has been spent.

The Department's findings indicate that Yucca Mountain is ideally suited for the long-term storage of nuclear power.

Despite the rhetoric put forth by those who oppose this bill, the fact is, Yucca Mountain is located in the heart of a remote Nevada nuclear test range where nearly 1,000 nuclear devices have been detonated and tested over the years during the cold war. It is a desert. It is not located near any population center and would pose no threat to the surrounding areas.

The safe long-term storage of spent nuclear fuel—which has no potential to blow up—is a problem we can and should have solved. By passing S. 1287, we will set in motion a well-researched plan to safely solve this problem once and for all and allow America to move forward in meeting our goals: Cleaning up the environment of nuclear waste and reducing air pollution by continuing to allow the nuclear industry to function.

The Clinton-Gore administration has suggested it may veto this bill if it arrives on the President's desk. The effect of this announcement is to frustrate a $15 billion plan agreed to years ago.

To say ''no'' to nuclear power use in this country is to say ''no'' to our best chance to significantly reduce air pollution and save the environment. A vote against this bill is a vote against the environment, a vote against common sense and a vote against fiscal sanity. We have dawdled and delayed far too long. Now is the time to store this hazardous waste under a mountain, at an old nuclear test range in the Nevada desert, at Yucca Mountain.

I thank the chairman of this committee for his courageous, steadfast, and determined effort to bring this outrage to an end and to get this matter settled.

I appreciate his leadership, and I yield the floor.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I thank my friend from Alabama. He has highlighted some points that certainly needed to be identified. In reality, the issue is twofold.

No. 1, are we going to have a future in this country for the nuclear power generating capability associated with our power industry? Is that in the future of this country? Or are we hellbent to kill it?

Further, do we want this high-level waste stored at 80-some-odd sites in 40 States for an extended period of time or do we want to get on with the job of collecting it and putting it in one permanent repository?

Listening to the debate, I am sensitive to the difficulties associated with the decision that was made at a time when we had a Democratic chairman of the Energy and Natural Resources Committee, my good friend, Senator Bennett Johnston. This has been a tough vote for my colleagues from Nevada. I recall a Republican Senator who probably lost the election in his State. He fought valiantly against putting the waste there. But, as I have identified time and time again, nobody wants the waste. That is the first premise with which you enter into this discussion. But you have to put it somewhere because it will not stay up in the air. As a consequence, we find ourselves still debating the issue.

At the hearing we had in the Energy Committee some time ago, the statement was made by our colleagues that regardless of the science, they would have to oppose the selection of a site in Nevada. Let's face it; that is a tough set of circumstances. But we have a job to do because we have to put it somewhere.

I do not want to oversimplify it. My friend said the bill is a lemon; it is ugly. I do not dispute that. But Nevada has been selected for the permanent repository, assuming it can be licensed. That is the hard fact. It might not be pretty. I guess I would say that we have, really, no other alternative because it is critical that we maintain a nuclear power industry in this country.

We have had a conversation about removing the take title. It has been removed. I know that disturbs my good friend and ranking member from the State of New Mexico. Secretary Richardson, the Secretary of Energy, raised this issue. I have held it in the legislation until the very end. But it became obvious that the administration could not deliver on their promises, that they could reassure the States that this was not just another ruse or another broken promise. And the broken promises obviously go back to 1998 when the Federal Government did not deliver on its contractual commitments to take the waste. The administration simply could not assure the States that they would not become some 40 repositories, which is what they are now.

I know the Secretary of Energy did the best he could, but it simply could not be done. So it is quite natural these States would say: Wait a minute, the Federal Government has not performed on its contractual commitment. Now it wants to take title in our State, without giving us the assurance it is going to be moved. As a consequence, as my colleagues know, those States were represented in the letter I introduced into the RECORD from six States claiming they would urge their representatives in the Senate not to support legislation unless the take title was removed.

I do not fault the Secretary of Energy. But I think it is fair to say the administration has not had its act together for one reason or another. Maybe it is to accommodate my friends from Nevada, but, nevertheless, it has not been resolved.

I tried my best. I am willing to revisit this in the future if the administration can follow through with some type of commitment. But I think it is unfair for the administration to criticize legislation because of their failure to follow through on their commitment. That is where we are on this.

We have heard suggestions from our friends from Nevada that putting the issuance of a radiation standard off is politicizing the process. We can point fingers around here because this is a political body. But if we look at the facts, the opposite is probably true.

The administration chose to abandon sound science and to inject politics into the standard-setting as part of its opposition to the use of nuclear power. Under the law, the Energy Policy Act, the EPA was to follow the guidelines set by the National Academy of Sciences. The National Academy is not an appointed body. Its membership is elected, based on professional scientific background, by the other scientists. The National Academy called for ''all pathways'' as a standard.

EPA chose to go outside that guideline and threatened to create a separate groundwater standard in addition to the ''all pathways.'' I guess the only reason was to frustrate the development of the repository. They ignored science and yet injected politics. If anything, I think my amendment will remove politics from the process, and that is my objective.

Talking about whether or not this is environmental legislation, the Senator said environmental groups oppose this legislation and the League of Conservation Voters is watching every one of us. Think about that. Here is an environmental agency that is genuinely concerned about the safety, health, and welfare of people regarding issues it

has every right to be involved in. But what is its objective? Is the objective to kill the nuclear power industry in this country? Is that the true objective? I wonder. Because maybe the League of Conservation Voters, as they indicate their opposition to this legislation, indicating they are watching, thinks having spent fuel spread around this country at 80 sites in 40 States is a good idea.

I do not think so and I do not think the majority of Senators think so. Maybe they think shutting down 20 percent of our generating capacity is a good idea, when they do not come up with any alternative. What do they want us to do? Maybe they will ignore that we will have to replace that capacity with fossil fuel-fired plants. Is that what they want? They do not have to take the responsibility that you and I do, to come up with and address an alternative. It is very appropriate that they criticize, but I wonder where they are going. Are they really going to shut down the nuclear power industry? They do not say that.

Maybe they do not care about the cost to the taxpayers, the elderly, the poor, when we have to replace that capacity at the taxpayers' expense—the ratepayers' expense.

Maybe they do not have a better use for the $80 billion, or whatever it is, in liability we are facing as a consequence of this delay. They have a responsibility to come up with answers, and they do not accept that responsibility. As a consequence, I find fault with their logic as well as their objective.

Maybe they simply do not care. Maybe they do not care about human health and safety or the environment or the cost and the impact on the taxpayers, the poor or the elderly, because they want to pursue their own agenda. Is that a political agenda? I think it is. It is a political agenda against nuclear power.

This is a major environmental bill, and if you are not for the environment in moving this quantity of high-level nuclear fuel to one site, how in the world can you suggest in any manner or form that you are for the environment by leaving it at these sites? It does not belong there. The sites were not designed for it. It is contrary to the health and welfare of the public.

What we have here is a progressive bill to address the problem. I say to those who receive threats or notification on the merits of the environmental aspect that this is not a good environmental bill, this is an environmental bill that addresses and solves the problem.

I conclude my remarks—since we are beginning to get statements from various groups that either oppose or support the bill—by asking unanimous consent that a letter dated February 8 from the International Brotherhood of Teamsters be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

INTERNATIONAL BROTHERHOOD OF TEAMSTERS, DEPARTMENT OF GOVERNMENT AFFAIRS,

February 8, 2000, Washington, DC.

DEAR SENATOR: The International Brotherhood of Teamsters urges your support for S. 1287, the Nuclear Waste Policy Act of 1999. Passage of this legislation is crucial to solving the ongoing problem of safe storage of spent nuclear fuel.

Thousands of tons of spent nuclear fuel are stored onsite at nuclear plants in approximately 110 temporary storage facilities in communities across the nation. No one disagrees that nuclear waste belongs in a single safe repository far removed from population centers. Yucca Mountain, located on the Nevada Test Site, which S. 1287 designates as the site, is just such a facility.

This legislation directs the Department of Energy to develop and operate a simple, safe construction plan for Yucca Mountain. The plan includes development of a safe transportation system from nuclear power plants to the site. We anticipate that this could support more than 10,000 Teamster jobs.

To ensure the safe and responsible handling of all phases of construction and management of the facility, as well as the transfer of waste to the facility, S. 1287 provides extensive training to all workers involved in the transportation of used fuel as well as to emergency response personnel. Specifically, the legislation requires the Department of Transportation, the Department of Labor and the Nuclear Regulatory Commission to develop an appropriate training standard, and goes the extra mile of ensuring that employers possess evidence of meeting that training standard before workers are permitted to remove or transport nuclear waste.

In addition, the legislation provides grants to organizations like the Teamsters Union to train workers who transport spent nuclear fuel. These training programs ensure that the high standard of safety that has been demonstrated in nearly 3,000 shipments of used nuclear fuel in the United States since 1964 will continue. The fact is that there has never been any human injury or environmental damage in the transportation of nuclear waste, and none of the sturdy nuclear fuel shipping containers has ever been breached.

Finally, the legislation supports programs to enhance road and vehicle maintenance and inspection efforts, all of which contribute to continued safe transportation of high-level radioactive materials.

For these reasons, the Teamster Union believes that S. 1287 is a well-reasoned, balanced approach to solving the on-going continuously growing problem of nuclear waste. We urge you to support it as it moves to the Senate floor.

Should you have any questions or need additional information, please contact Jennifer Esposito or me at 202/624–8741.

Sincerely,

MICHAEL E. MATHIS,
Director, Government Affairs.

Mr. MURKOWSKI. Mr. President, in paragraph 2, it states:

No one disagrees that nuclear waste belongs in a single safe repository far removed from the population centers. Yucca Mountain, located on the Nevada Test Site, which S. 1287 designates as the site, is just such a facility.

On page 2:

The fact is that there has never been any human injury or environmental damage in the transportation of nuclear waste. . . .

In the last paragraph:

For these reasons, the Teamster Union believes S. 1287 is a well-reasoned, balanced approach to solving an on-going, continuously growing problem of nuclear waste. We urge you to support it as it moves to the Senate floor.

It is signed Michael E. Mathis, Director of Government Affairs.

As we wind down this debate, I again urge we all focus on the reality of whether we want to kill the nuclear industry in this country, if that is the objective, or whether we want to get on with addressing the responsibility which we have, which is to address what we are going to do with this high-level waste.

Since we have been committed at the expense of some $6 billion at Yucca Mountain, since we have in this legislation addressed the appropriate role of the Environmental Protection Agency as having the final say on the determination of what the radiation standards should be, since we have addressed the transportation system by leaving it up to the States to designate how and where and under what terms and conditions, the waste will move out of the States where it presently resides. We have met the challenge we have been charged to address. As a consequence, we should recognize that it is time to finally put this matter behind us and not contribute additional expense to the American taxpayers or the ratepayers who have been paying into this fund for the last several years.

I save the remainder of my remarks for the remaining time tomorrow where I understand the proponents and opponents have an hour equally divided beginning at 10 o'clock, with a vote scheduled at 11.

Mr. President, I yield the floor for comments by my colleague.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I thank the chairman of the committee for his remarks. I will make a few remarks this afternoon. There will be more in the morning. I will be back on the floor in the morning to express it in more detail.

First of all, for anybody who is watching this debate and trying to understand what is happening, it is not easy to understand because we have a complicated set of procedures we have followed around here to get to this point.

Yesterday, I outlined my reasons for opposing the manager's amendment that was being considered at that time. It was No. 2808. That was the manager's amendment on which we voted to invoke cloture, or to bring debate to a close.

I said at that time I believed the overall legislation, not that particular amendment but the overall legislation, was very important and was necessary to solve particular problems we have with our nuclear waste program, but that the particular provisions in that amendment that was before us yesterday did not solve those problems and, in fact, the particular language in that amendment created some additional

problems. That was why I could not support the language we were considering yesterday.

We have, of course, gone beyond that. We now have a new substitute amendment which has many changes in it. It was my hope that when we got to this substitute, it would fix the problems and concerns I had. I commend the chairman of the committee for a number of constructive improvements he did make in this substitute. Unfortunately, though, my own view is that while the new substitute makes improvements, there are still serious flaws and, more important than that even, there is a major step backward, and that relates to the dropping of the take title provision. I will try to explain in more detail why I think the take title provision is important to us.

Let me also parenthetically say, I can sympathize with the statement the chairman makes about people who criticize and offer no alternative. Let me make it very clear, and I do not think this will be disputed by the chairman or anyone else, from the beginning of this process, I have not only expressed concerns, I have offered alternative language. In fact, when we were considering this bill in committee, I offered a complete substitute that was voted on by the committee and was defeated at that time but got quite a few votes. It is not as though we have refused to offer alternatives. We have offered alternatives. They have not been acceptable. I understand that. Each Senator votes their best judgment, and their best judgment was that the alternatives were not improvements. I disagree strongly with that judgment.

This new substitute on which we are getting ready to vote tomorrow morning—and we will, as I said before, have time to speak about it tomorrow morning; we will have an hour equally divided—eliminates the so-called take title provision which was the core of the committee-reported bill and was the focus of our efforts to reach a consensus with the administration.

Let me explain a little bit about what this take title provision is because that is probably not understood well by a lot of folks who have not spent a lot of time on this subject.

The Federal Government, particularly the Department of Energy, was obligated to actually take delivery of this nuclear waste that had been developed at these nuclear powerplants around the country by January 31, 1998. We had written that into the law. We said that is an obligation, the Department of Energy has to do it, and the Department of Energy entered into contracts with the various utilities around the country.

The map is not up right now, but every place you saw a dot on that map, there is a utility, and they have entered into contracts with the Department of Energy where the Department of Energy says: We will accept your waste at a particular time, and we will move it to a permanent repository.

We in Congress were way too optimistic, and the Department of Energy was too optimistic about how quickly they could do all this. They entered into these contracts. When January 31, 1998, came, the Department of Energy had no place to put this waste, so they defaulted on at least the first of those contracts. The contracts become due. The obligation of the Department of Energy to pick up that waste and move it to a site becomes due each year to more and more utilities as we move forward.

So today the reality is we have a bunch of lawsuits, lawsuits in the Court of Claims, by utilities against the Department of Energy, saying: You owe us money; you are continuing to be in default; you should have picked this waste up; you have not picked the waste up; for every day you don't pick the waste up, you owe us some more money.

That is the situation.

The take title provision was a provision we worked out with Senator MURKOWSKI, with the Department of Energy, and with my staff to solve that problem. Basically, what it said was that we would give authority to the Department of Energy to enter into a contract—if a utility wanted to—whereby that utility would give up title to the waste, the Department of Energy would take title to the waste, and that would be done as part of a settlement of the litigation that is presently pending or that would otherwise be filed.

We provided a particular length of time in which utilities would have to decide whether they wanted to enter into negotiations to do this, whether they wanted to take advantage of this. There was nothing mandated. But it was a way out of this morass of litigation in which the Department of Energy now finds itself.

This bill we are going to vote on at 11 o'clock tomorrow morning eliminates that way out. That way out was a main reason for actually considering this bill. It was the core reason our committee reported the bill in the first place. It was the core reason I thought it was important for us to go ahead and pass the legislation.

The new substitute still does preserve the Department of Energy's authority to settle lawsuits arising from its failure to meet its contractual obligations to begin accepting this waste in 1998, by reducing the fees they pay or providing other forms of financial relief. That is still in the bill. But the Department already has that authority. We did not need to legislate that authority again. I think it is clear to anybody who will study it for a little bit, it is not an objectionable part of the bill but it is an unnecessary part of the bill.

What the Department lacks, and what we were trying to provide in the legislation, and what would benefit the country, the taxpayers, the utilities—particularly the taxpayers, because the taxpayers ultimately are going to wind up footing the cost of the judgments, whatever judgments are imposed on the Federal Government—but what clearly would benefit all of these groups and individuals I have talked about here is for the Department to take title to the utilities' waste and assume financial and legal liability for management pending the completion of the repository.

The truth is, Yucca Mountain is being characterized. It is not being done as quickly as we would like because we have not provided all the funds necessary to do it on a timely basis, but it is being characterized. If it passes muster in the final analysis, if it can meet the standards the Environmental Protection Agency establishes, and then is going to be used, it is still going to be 8 or 10 years from now before waste will actually be moved to that site. That is just the reality. It is not a question of whether you like it or dislike it; that is just the reality.

What we were trying to say is, during these 8 or 10 years, there is no reason why the Federal Government's liability for not moving that waste beginning in 1998 should continue to grow and to accrue. The new substitute drops that provision. The new substitute eliminates this way out for the Department of Energy, for the utilities, and, more importantly than anything, for the American taxpayers.

There are other provisions where this new substitute we will vote on tomorrow, like the original one, creates problems that would limit the ability of the Department of Energy's waste program to succeed. Let me mention a few.

The substitute imposes deadlines on the Department of Energy, saying the Department must ship spent fuel to Nevada on a schedule that the Department of Energy says they cannot meet.

I know that is what we did before. We set a deadline. At that time, the Department of Energy did not say they could not meet it. But at any rate, we set a deadline they did not meet and now we have litigation.

If we pass this bill, we are in danger of setting another deadline or another series of deadlines which this time the Department says they cannot meet—of course, prompting a lot of new litigation as a result of that. So it holds the Government and the taxpayers liable if the Department of Energy misses those deadlines.

There are also some broader issues affecting the program we have been unable to address in this bill that I think are important to consider. One example is Northern States Power's problem. This gets a little bit arcane, but I do not think too arcane.

Under Minnesota law, Northern States Power will have to shut down the Prairie Island nuclear powerplant in January of 2007 if the Department of Energy has not picked up Prairie Island's waste by that date. That is Minnesota law I just paraphrased for you. The manager's substitute could require

the Department to enter into a ''backup'' storage contract with Northern States Power to take the Prairie Island waste to Yucca Mountain so that Prairie Island can keep operating. The problem is, the Department of Energy will not be able to honor that contract by January of 2007, so the provision does not prevent the reactor from shutting down. The truth is, we have put in a requirement that the Department of Energy cannot meet.

There are also funding problems besetting our nuclear waste program. As I said yesterday, I think this is one of the most critical problems facing the Yucca Mountain program. The substitute does nothing to make the balances in the nuclear waste fund more readily available or even to make deferred payments for waste generated before 1983, the so-called one-time fee under current law available to the program. I believe this latter provision would not score under our budget rules since it is currently outside the 10-year scoring window. That is pretty arcane, but it is an important provision.

By dropping the take title provision and by failing to make this simple budget adjustment, in my view, the manager's substitute fails to capture and apply this important source of funds to the program when it is urgently needed.

None of us is ever 100-percent satisfied with any vote we cast here in the Senate. We all have to compromise, to give things away, to settle for less than a perfect bill. Senator MURKOWSKI has certainly shown his willingness to do that. I, too, believe I have done that and shown my willingness to make concessions on key issues—issues such as funding, on capping the nuclear waste fee, on potentially shifting the funding burden to taxpayers, conveying 76,000 acres of Federal lands to Nevada localities. These are all things in the bill that I have not thought were really appropriate, but I am certainly willing to compromise on them in order to reach agreement.

But as I look at the new amended bill on which we are going to vote tomorrow, and I try to weigh it in relation to the Nation and the taxpayers—what the Nation and the taxpayers of the country are getting versus what they are giving up—I find that the balance that is required for me to support the end result is not there. Legislators, as doctors, need to obey the rule: First do no harm. When I look at the substitute on which we are going to vote tomorrow, to my mind, it does more harm than good. Unfortunately, as a result, I will be compelled to vote against it.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, on behalf of the leader, in order to attempt to advance the process, for the benefit of everybody——

Mr. REID. If the Senator would withhold for me to make a brief statement, while the Senator from New Mexico is on the floor, I would appreciate it.

Mr. MURKOWSKI. Go ahead.

Mr. REID. I thank the Senator.

While the Senator from New Mexico is here, I want to say I personally appreciate his hours of time, and the tens of hours his staff has spent—probably hundreds of hours—on this legislation. I am grateful to the Senator for the work he has put into this legislation and for the fairness he has demonstrated to the chairman of the committee and the Senators from Nevada. The fact that Senator BINGAMAN has done everything within his power to get satisfactory legislation passed should be spread throughout the RECORD. That does not mean the Senators from Nevada would be happy with it, perhaps, but I think he has tried to work on something that would bring a general consensus in this Senate and would satisfy the administration.

The Senator worked very hard to do that, and I commend and applaud his legislative abilities and constant fairness in this regard, keeping us informed, keeping the majority informed. I think it bodes well for the Senate to have the Senator as the ranking member and, hopefully, in the not-too-distant future, chairman of this very important committee.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I shall not further debate the issue today.

Mr. DOMENICI. Mr. President, I rise to compliment Senator MURKOWSKI's leadership on the Nuclear Waste Policy Amendments Act. I appreciate his efforts to enable progress on the Nation's need for concrete action on spent nuclear fuel.

I find it amazing how fear of anything in this country with ''nuclear'' in its title, like ''nuclear waste,'' seems to paralyze our ability to act decisively. Nuclear issues are immediately faced with immense political challenges.

There are many great examples of how nuclear technologies impact our daily lives. Yet few of our citizens know enough about the benefits we've gained from harnessing the nucleus to support actions focused on reducing the remaining risks.

Just one example that should be better understood and appreciated involves our nuclear navy. Their experience has important lessons for better understanding of these technologies.

The Nautilus, our first nuclear powered submarine, was launched in 1954. Since then, the Navy has launched over 200 nuclear powered ships, and about 85 are currently in operation. Recently, the Navy was operating slightly over 100 reactors, about the same number as those operating in civilian power stations across the country.

The Navy's safety record is exemplary. Our nuclear ships are welcomed into over 150 ports in over 50 countries. A 1999 review of their safety record was conducted by the General Accounting Office. That report stated:

> No significant accident—one resulting in fuel degradation—has ever occurred.

For an Office like GAO, that identifies and publicizes problems with government programs, that's a pretty impressive statement!

Our nuclear powered ships have traveled over 117 million miles without serious incidents. Further, the Navy has commissioned 33 new reactors in the 1990s, that puts them ahead of civilian power by a score of 33 to zero. And Navy reactors have more than twice the operational hours of our civilian systems.

The nuclear navy story is a great American success story, one that is completely enabled by appropriate and careful use of nuclear power. It's contributed to the freedoms we so cherish.

Nuclear energy is another great American success story. It now supplies about 20 percent of our nation's electricity, it is not a supply that we can afford to lose. It's done it without release of greenhouse gases, with a superlative safety record over the last decade. The efficiency of nuclear plants has risen consistently and their operating costs are among the lowest of all energy sources.

I have repeatedly emphasized that the United States must maintain nuclear energy as a viable option for future energy requirements. And without some near-term waste solution, like interim storage or an early receipt facility, we are killing this option. We may be depriving future generations of a reliable power source that they may desperately need.

There is no excuse for the years that the issue of nuclear waste has been with us. Near-term credible solutions are not technically difficult. We absolutely must progress towards early receipt of spent fuel at a central location, at least faster than the 2010 estimates for opening Yucca Mountain that we now face or risk losing nuclear power in this country.

Senator MURKOWSKI's bill is a significant step toward breaking the deadlock which continues to threaten the future of nuclear energy in the U.S. I appreciate that he made some very tough decisions in crafting this bill that blends ideas from many sources to seek compromise in this difficult area.

One concession involves tying the issuance of a license for the ''early receipt facility'' to construction authorization for the permanent repository. I'd much prefer that we simply moved ahead with interim storage. An interim storage facility can proceed on its own merits, quite independent of decisions surrounding a permanent repository. Such an interim storage facility could be operational well before the ''early receipt facility'' authorized in this Act.

There are absolutely no technical issues associated with interim storage in dry casks, other countries certainly use it. Nevertheless, in the interests of seeking a compromise on this issue, I

will support this Act's approach with the early receipt facility.

I appreciate that Senator MURKOWSKI has included Title III in the new bill with my proposal to create a new DOE Office of Spent Nuclear Fuel Research. This new Office would organize a research program to explore new, improved national strategies for spent nuclear fuel.

Spent fuel has immense energy potential—that we are simply tossing away with our focus only on a permanent repository. We could be recycling that spent fuel back into civilian fuel and extracting additional energy. We could follow the examples of France, the U.K., and Japan in reprocessing the fuel to not only extract more energy, but also to reduce the volume and toxicity of the final waste forms.

Now I am well aware that reprocessing is not viewed as economically desirable now, because of today's very low uranium prices. Furthermore, it must only be done with careful attention to proliferation issues. But I submit that the U.S. should be prepared for a future evaluation that may determine that we are too hasty today to treat this spent fuel as waste, and that instead we should have been viewing it as an energy resource for future generations.

We do not have the knowledge today to make that decision. Title III establishes a research program to evaluate options to provide real data for such a future decision.

This research program would have other benefits. We may want to reduce the toxicity of materials in any repository to address public concerns. Or we may find we need another repository in the future, and want to incorporate advanced technologies into the final waste products at that time. We could, for example, decide that we want to maximize the storage potential of a future repository, and that would require some treatment of the spent fuel before final disposition.

Title III requires that a range of advanced approaches for spent fuel be studied with the new Office of Spent Nuclear Fuel Research. As we do this, I will encourage the Department to seek international cooperation. I know, based on personal contacts, that France, Russia, and Japan are eager to join with us in an international study of spent fuel options.

Title III requires that we focus on research programs that minimize proliferation and health risks from the spent fuel. And it requires that we study the economic implications of each technology.

With Title III, the United States will be prepared, some years in the future, to make the most intelligent decision regarding the future of nuclear energy as one of our major power sources. Maybe at that time, we'll have other better energy alternatives and decide that we can move away from nuclear power. Or we may find that we need nuclear energy to continue and even expand its current contribution to our nation's power grid. In any case, this research will provide the framework to guide Congress in these future decisions.

I want to specifically discuss one of the compromises that Senator MURKOWSKI has developed in his Manager's Amendment. In my view, his largest compromise involves the choice between the Environmental Protection Agency or the Nuclear Regulatory Commission to set the radiation-protection standards for Yucca Mountain and for the ''early release facility.''

The NRC has the technical expertise to set these standards. Furthermore, the NRC is a non-political organization, in sharp contrast to the political nature of the EPA. We need unbiased technical knowledge in setting these standards, there should be no place for politics at all. The EPA has proposed a draft standard already, that has been widely criticized for its inconsistency and lack of scientific rigor—events that do not enhance their credibility for this role.

I appreciate, however, the care that Senator MURKOWSKI has demonstrated in providing the ultimate authority to the EPA. His new language requires both the NRC and the National Academy of Sciences to comment on the EPA's draft standard. And he provides a period of time, until mid-2001, for the EPA to assess concerns with their standard and issue a valid standard.

These additions have the effect of providing a strong role for both the NRC and NAS to share their scientific knowledge with the EPA and help guide the EPA toward a credible standard.

The NRC should be complimented for their courageous stand against the EPA in this issue. Their issuance of a scientifically appropriate standard stands in stark contrast to the first effort from the EPA. Thanks to the actions of the NRC, the EPA can be guided toward reasonable standards.

Certainly my preference is to have the NRC issue the final standard. But I appreciate the effort that Senator MURKOWSKI has expended in seeking compromise in this difficult area.

By following the procedures in the Manager's Amendment, we can allow the EPA to set the final standard, guided by the inputs from the NRC and NAS. Thus, I will support the Manager's Amendment.

I thank Senator MURKOWSKI for his superb leadership in preparing this new act. We need to pass this Manager's Amendment with a veto-proof majority, to ensure that we finally attain some movement in the nation's ability to deal with high level nuclear waste.

MORNING BUSINESS

Mr. MURKOWSKI. Mr. President, I now ask unanimous consent that there be a period for the transaction of routine morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, during today's debate on the nuclear waste legislation, I want to take my first opportunity to Call the Bankroll in the new year.

As we all know, nuclear waste has been a very contentious issue in past years.

I'm not here today to recap the arguments on either side, but instead to offer the public and my colleagues a picture of the money that has been spent by interests on both sides of the issue.

Of course the Nuclear Energy Institute is the chief lobbyist on behalf of companies that operate nuclear power plants in the U.S., and has led the fight for the nuclear waste legislation, in its various forms, that is now before us.

NEI gave more than $135,000 in soft money to the parties and more than $70,000 in PAC money to candidates in the 1998 election cycle.

In addition to NEI, a number of utilities which operate nuclear plants were also significant PAC and soft money donors in the '98 cycle, including:

Commonwealth Edison, which gave $110,000 in soft money and more than $106,000 in PAC money, and Florida Power and Light, which gave nearly $300,000 in soft money to the parties and more than $182,000 in PAC money to candidates.

Many of these donors didn't waste any time before donating in the current cycle either—NEI already reported donating more than $66,000 in soft money, and Commonwealth Edison already reported $90,000 in soft money donations in 1999.

On the other side of this fight is a coalition of environmental groups that has opposed this bill in its various forms, writing to members of the Senate last September to urge us to protect our country and our environment by voting against the Nuclear Waste Policy Amendments Act of 1999.

Among these groups is the Sierra Club, which gave more than $236,000 in PAC money to candidates in the '98 cycle, and Friends of the Earth, which gave just under $4,000 during that same period.

I also think it's important here to make a larger point that reaches well beyond the nuclear waste debate—that interests can exercise their clout not just through PAC and soft money donations but through yet another loophole in the law—phony issue ads.

Now it is very difficult to determine how much money is spent on phony issue ads. They are not reported under current law, and they should be. Nonetheless, some estimates have been made by news organizations and independent analysts. The Sierra Club spent an estimated $1.5 million on issue ads in the '98 election cycle, and the Nuclear Energy Institute reportedly spent $600,000 on issue ads in just two Senate races in the last cycle.

Now I can't say that even this is a complete picture of all the interests

lobbying on this bill, but it does give my colleagues and the public some idea of what interests are trying to influence the passage—or the defeat—of this bill, and a picture of the huge sums of money they are using to pursue their goals.

RECOGNITION OF SEATTLE'S LAW ENFORCEMENT OFFICERS

Mr. GORTON. Mr. President, as many of my colleagues know, I had the pleasure—or displeasure—of being in Seattle during the now infamous World Trade Organization meeting last fall, shortly after Congress adjourned for the year. The images broadcast via the airwaves portrayed a negative image of Seattle and a narrow view of the debate in this country surrounding free trade. The spectacle of the ''Battle in Seattle'' that most of us saw on the evening news also did not accurately represent the full experience that law enforcement officers on the street endured. These officers suffered through appalling work conditions largely attributable to poor planning by public officials responsible for such preparation. In spite of these conditions, the incidents of confrontation and violence were kept to a surprising minimum. These fine men and women in law enforcement deserve recognition for their vigilance, their restraint, and their dedication.

Officers, wearing 60–70 pounds of tear gas drenched equipment, were forced to stand the line with minimal rest, no bathroom facilities, and little food—for shifts of 16 to 17 hours. Given the fact that officers endured a continual barrage of insults and projectiles from out-of-control protestors, I am surprised that there were not more instances where frustration and exhaustion temporarily superceded discipline and training. It is a credit to the men and women of the Seattle Police Department, the King County Sheriff's Office, the Washington State Patrol, and the many officers from other localities, that their restraint kept a bad situation from becoming much, much worse.

As with any confrontational event involving thousands of people, mistakes were made by both sides. It is clear, however, that the law enforcement officers involved with the WTO in Seattle overwhelmingly exhibited professionalism and conduct above and beyond the call of duty—for that they should be commended. To the officers who, against great odds, did everything they could to preserve peace and order, I offer my sincere thanks.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, February 8, 2000, the Federal debt stood at $5,694,611,209,189.87 (Five trillion, six hundred ninety-four billion, six hundred eleven million, two hundred nine thousand, one hundred eighty-nine dollars and eighty-seven cents).

One year ago, February 8, 1999, the Federal debt stood at $5,585,153,000,000 (Five trillion, five hundred eighty-five billion, one hundred fifty-three million).

Five years ago, February 8, 1995, the Federal debt stood at $4,805,605,000,000 (Four trillion, eight hundred five billion, six hundred five million).

Ten years ago, February 8, 1990, the Federal debt stood at $2,984,058,000,000 (Two trillion, nine hundred eighty-four billion, fifty-eight million).

Fifteen years ago, February 8, 1985, the Federal debt stood at $1,679,171,000,000 (One trillion, six hundred seventy-nine billion, one hundred seventy-one million) which reflects a debt increase of more than $4 trillion—$4,015,440,209,189.87 (Four trillion, fifteen billion, four hundred forty million, two hundred nine thousand, one hundred eighty-nine dollars and eighty-seven cents) during the past 15 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a treaty and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT TO THE CONGRESS CONCERNING EMIGRATION LAWS AND POLICIES OF ALBANIA—MESSAGE FROM THE PRESIDENT—PM 85

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance.

To the Congress of the United States:

I am submitting an updated report to the Congress concerning the emigration laws and policies of Albania. The report indicates continued Albanian compliance with U.S. and international standards in the area of emigration. In fact, Albania has imposed no emigration restrictions, including exit visa requirements, on its population since 1991.

On December 5, 1997, I determined and reported to the Congress that Albania was not in violation of paragraphs (1), (2), or (3) of subsections 402(a) of the Trade Act of 1974 or paragraphs (1), (2), or (3) of subsection 409(a) of that Act. That action allowed for the continuation of normal trade relations (NTR) status for Albania and certain other activities without the requirement of an annual waiver. This semiannual report is submitted as required by law pursuant to the determination of December 5, 1997.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 9, 2000.*

REPORT TO THE CONGRESS ON THREE RESCISSIONS OF BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT—PM 86

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred jointly, pursuant to the order of January 30, 1975, to the Committees on the Budget, Appropriations, Energy and Natural Resources, and Banking, Housing, and Urban Affairs.

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report three rescissions of budget authority, totaling $128 million, and two deferrals of budget authority, totaling $1.6 million.

The proposed rescissions affect the programs of the Department of Energy and the Department of Housing and Urban Development. The proposed deferrals affect programs of the Department of State and International Assistance Programs.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 9, 2000.*

MESSAGES FROM THE HOUSE

At 10:34 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the amendment of the Senate to the bill (H.R. 1451) to establish the Abraham Lincoln Bicentennial Commission Act.

The message also announced that the House has passed the following bill, without amendment:

S. 632. An act to provide assistance for poison prevention and to stabilize the funding of regional poison control centers.

The message further announced that pursuant to section 702(b) of the Intelligence Authorization Act for Fiscal Year 2000 (Public Law 106–120), the Minority Leader has appointed the following member to the National Commission for the Review of the National Reconnaissance Office: Mr. Tony Beilenson of Maryland.

The message also announced that pursuant to 28 U.S.C. 629(b) the Speaker has reappointed the following member on the part of the House to the Board of the Federal Judicial Center for a 5-year term: Ms. Laurie E. Michael of Virginia.

The message further announced that pursuant to section 112 of the Clean Air Act (42 U.S.C. 7412) the Speaker has appointed the following member on the part of the House to the board of Directors of the National Urban Air Toxics Research Center to fill the existing vacancy thereon: Mr. Thomas F. Burks II of Texas.

The message also announced that the House has agreed to the following resolution:

H. Res. 338. Resolution stating that the House has learned with profound sorrow of the death of the Honorable Carl B. Albert, former Member of the House of Representatives for the Ninety-second, Ninety-third, and Ninety-fourth Congresses.

ENROLLED BILL SIGNED

At 1:20 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2130. An act to amend the Controlled Substances Act to direct the emergency scheduling of gamma hydroxybutyric acid, to provide for a national awareness campaign, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–7445. A communication from the Architect of the Capitol, transmitting, pursuant to law, the report of all expenditures during the period April 1, 1999 through September 30, 1999; to the Committee on Appropriations.

EC–7446. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Home Equity Conversion Mortgage Insurance; Right of First Refusal Permitted for Condominium Associations'' (RIN2502–AG93) (FR–4267–F–02), received February 8, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–7447. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''10 BLS–LIFO Department Store Indexes-December 1999'' (Rev. Rul. 2000–10), received February 8, 2000; to the Committee on Finance.

EC–7448. A communication from the Congressional Review Coordinator, Regulatory Analysis and Development, Policy and Program Development, Animal and Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Gypsy Moth Generally Infested Areas'' (Docket # 99–042–2), received February 8, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7449. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans State: Approval of Kentucky State Implementation Plan'' (FRL # 6533–2), received February 8, 2000; to the Committee on Environment and Public Works.

EC–7450. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, the report of a rule entitled ''Extending Operating Permits Program Interim Approval Expiration Dates'' (FRL # 6535–2), received February 8, 2000; to the Committee on Environment and Public Works.

EC–7451. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, the report of a rule entitled ''Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations'', received February 8, 2000; to the Committee on Environment and Public Works.

EC–7452. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, the report of a rule entitled ''Guidance for Utilization of Small, Minority, and Women's Business Enterprises Under Assistance Agreements'', received February 8, 2000; to the Committee on Environment and Public Works.

EC–7453. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, the report of a rule entitled ''Notice of Availability Compliance Measurement Cooperative Agreements'', received February 8, 2000; to the Committee on Environment and Public Works.

EC–7454. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, a report entitled ''Final Enforcement Response Policy for Sections 304, 311, and 312 of EPCRA, and Section 103 of CERCLA''; to the Committee on Environment and Public Works.

EC–7455. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, a report entitled ''2000 Storm Water Enforcement Strategy Update''; to the Committee on Environment and Public Works.

EC–7456. A communication from the Acting Director, Fish and Wildlife Service, Department of the Interior transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants: Determination of Endangered Status for 'Sidalcea keckii' (Keck's checker-mallow) from Fresno and Tulare Counties, CA'' (RIN1018–AE30), received February 8, 2000; to the Committee on Environment and Public Works.

EC–7457. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, a report entitled ''Limited Request for Pre-Proposals; Pilot Projects on Improved Drinking Water Management and Source Protection in Honduras''; to the Committee on Environment and Public Works.

EC–7458. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Chelsea River, MA (CGD01–00–0001)'' (RIN2115–AE47) (2000–0009), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7459. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Reserved Channel, MA (CGD01–00–003)'' (RIN2115–AE47) (2000–0010), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7460. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Frequency of Inspection (USCG–1999–4976)'' (RIN2115–AF73) (2000–0001), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7461. A communication from the Chief, International and General Law, Maritime Administration, Department of Transportation transmitting, pursuant to law, the report of a rule entitled ''Administrative Waivers of the Coastwise Trade Laws for Eligible Vessels'' (RIN2133–AB39), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7462. A communication from the Assistant Administrator for Fisheries, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Interim: Red Snapper Management Measures; Reef Fish of the Gulf of Mexico, Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic'' (RIN0648–AN41), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7463. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Special Flight Rules in the Vicinity of Grand Canyon National Park (2–3/2–3)'' (RIN2120–AG97), received February 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7464. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Reduced Vertical Separation Minimum (2–7/2–3)'' (RIN2120–AG82), received February 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7465. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (40); Amdt. No. 1960'' (RIN2120–AA65) (1999–0056), received November 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7466. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (30); Amdt. No. 1970 (2–2/2–3)'' (RIN2120–AA65) (2000–0004), received February 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7467. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (84); Amdt. No. 1971 (2–2/2–3)'' (RIN2120–AA65) (2000–0006), received February 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7468. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (96); Amdt. No. 1972 (2–2/2–3)'' (RIN2120–AA65) (2000–0005), received February 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7469. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Monticello, IA; Direct Final Rule; Request for Comments; Docket No. 00–ACE–5 (2–7/2–7)'' (RIN2120–AA66) (2000–0021), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7470. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Creston, IA; Direct Final Rule; Request for Comments; Docket No. 00–ACE–1 (2–7/2–7)'' (RIN2120–AA66) (2000–0022), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7471. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Remove Class D and Class E Airspace; Kansas City, Richards-Gebaur Airport, MO; Docket No. 00–ACE–4 (2–7/2–7)'' (RIN2120–AA66) (2000–0023), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7472. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Ord, NE; Direct Final Rule; Request for Comments; Docket No. 00–ACE–2 (2–7/2–7)'' (RIN2120–AA66) (2000–0024), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7473. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airspace Actions Amendment to Class E Airspace; Grand Island, NE; Direct Final Rule; Request for Comments; Docket No. 99–ACE–56 (2–7/2–7)'' (RIN2120–AA66) (2000–0026), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7474. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; O'Neill, NE ; Direct Final Rule; Request for Comments; Docket No. 99–CE–55 (2–7/2–7)'' (RIN2120–AA66) (2000–0027), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7475. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Burlington, VT; Direct Final Rule; Request for Comments; Docket No. 99–ANE–94 (2–7/2–7)'' (RIN2120–AA66) (2000–0028), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7476. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Burlington, VT; Direct Final Rule; Request for Comments; Docket No. 99–ANE–93 (2–7/2–7)'' (RIN2120–AA66) (2000–0029), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7477. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Marquette, MI; Docket No. 99–AGL–42 (2–2/2–3)'' (RIN2120–AA66) (2000–0020), received February 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7478. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Garrison, ND; Docket No. 99–AGL–51 (2–2/2–3)'' (RIN2120–AA66) (2000–0019), received February 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7479. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification to Class E Airspace; Bemidji, MN; Docket No. 99–AGL–5 (2–2/2–37)'' (RIN2120–AA66) (2000–0018), received February 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7480. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Steubenville, OH; Docket No. 99–AGL–52 (2–2/2–3)'' (RIN2120–AA66) (2000–0017), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7481. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Cooperstown, ND; Docket No. 99–AGL–5 (2–2/2–3)'' (RIN2120–AA66) (2000–0016), received February 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7482. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Norfolk, NE; Direct Final Rule: Confirmation of Effective Date: Docket No. 99–ACE–45 (12–29/12–30)'' (RIN2120–AA66) (1999–0412), received January 4, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7483. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 747–100, and –200 Series Airplanes; Docket No. 99–NM–88 (2–7/2–7)'' (RIN2120–AA64) (2000–0057), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7484. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 747 Series Airplanes; Docket No. 99–NM–41'' (RIN2120–AA64) (2000–0058), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7485. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 747–400 Series Airplanes Equipped with GE CF6–80C2 Series Engines; Docket No. 98–NM–252 (2–7/2–7)'' (RIN2120–AA64) (2000–0059), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7486. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 727 Series Airplanes; Docket No. 97–NM–323'' (RIN2120–AA64) (2000–0067), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7487. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 767–100 Series Airplanes Equipped with GE Model CF6–80C2 Series Engines; Docket No. 98–NM–231'' (RIN2120–AA64) (2000–0066), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7488. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 737–100, –200, –300, –400, and –500 Series Airplanes; Docket No. 97–NM–133 (2–3/2–7)'' (RIN2120–AA64) (2000–0068), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7489. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 747 Series Airplanes; Docket No. 98–NM–282 (2–1/2–3)'' (RIN2120–AA64) (2000–0055), received February 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7490. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A300, A300–600, and A310 Series Airplanes; Docket No. 99–NM–23 (2–7/2–7)'' (RIN2120–AA64) (2000–0060), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7491. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A300 Series Airplanes; Docket No. 2000–NM–16 (2–7/2–7)'' (RIN2120–AA64) (2000–0061), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7492. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes; Docket No. 99–NM–254 (2–7/2–7)'' (RIN2120–AA64) (2000–0062), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7493. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A300, A310, and A300–600 Series Airplanes; Docket No. 99–NM–247 (2–4/2–7)'' (RIN2120–AA64) (2000–0069), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7494. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Model DC–9, DC–9–80, and C–9 Series Airplanes and Model MD–88 Airplanes; Docket No. 98–NM–381 (2–3/2–3)'' (RIN2120–AA64) (2000–0063), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7495. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes; Correction; Docket No. 99–NM–262 (2–2/2–3)'' (RIN2120–AA64) (2000–0050), received February 3, 2000; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. SMITH (of New Hampshire) for the Committee on Environment and Public Works.

Eric D. Eberhard, of Washington, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship & Excellence in National Environmental Policy Foundation for a term expiring October 6, 2002.

W. Michael McCabe, of Pennsylvania, to be Deputy Administrator of the Environmental Protection Agency.

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SMITH, of New Hampshire, from the Committee on Environment and Public Works, without amendment:

S. 1794. A bill to designate the Federal courthouse at 145 East Simpson Avenue in Jackson, Wyoming, as the ''Clifford P. Hansen Federal Courthouse.''

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and second time by unanimous consent, and referred as indicated:

By Mr. HATCH (for himself, Mr. NICKLES, Mr. LOTT, Mr. ABRAHAM, Mr. THURMOND, Mr. KYL, Mr. ASHCROFT, Mr. SESSIONS, Mr. SMITH OF NEW HAMPSHIRE, and Mr. COVERDELL):

S. 2042. A bill to reform the process by which the Office of the Pardon Attorney investigates and reviews potential exercises of executive clemency; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 2043. A bill to designate the United States Post Office building located at 3101 West Sunflower Avenue in Santa Ana, California, as the ''Hector G. Godinez Post Office Building''; to the Committee on Governmental Affairs.

By Mr. CAMPBELL:

S. 2044. A bill to allow postal patrons to contribute to funding for domestic violence programs through the voluntary purchase of specially issued postage stamps; to the Committee on Governmental Affairs.

By Mr. HATCH (for himself, Mr. ABRAHAM, Mr. GRAMM, Mr. GRAHAM, Mr. LIEBERMAN, Mrs. FEINSTEIN, Mr. LOTT, Mr. NICKLES, Mr. MACK, Mr. SPECTER, Mr. DEWINE, Mr. MCCONNELL, Mr. GORTON, Mr. HAGEL, Mr. BENNETT, Mr. GRAMS, Mr. ASHCROFT, Mr. BROWNBACK, Mr. SMITH OF OREGON, and Mr. WARNER):

S. 2045. A bill to amend the Immigration and Nationality Act with respect to H–1B nonimmigrant aliens; to the Committee on the Judiciary.

By Mr. FRIST (for himself, Mr. ROCKEFELLER, Mr. ROBERTS, Mr. BREAUX, and Mr. HOLLINGS):

S. 2046. A bill to reauthorize the Next Generation Internet Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DODD (for himself, Mr. LIEBERMAN, Ms. SNOWE, Mr. JEFFORDS, Mr. LAUTENBERG, Mr. REED, and Mr. LEAHY):

S. 2047. A bill to direct the Secretary of Energy to create a Heating Oil Reserve to be available for use when fuel oil prices in the United States rise sharply because of anticompetitive activity, during a fuel oil shortage, or during periods of extreme winter weather; to the Committee on Energy and Natural Resources.

By Mr. HATCH (for himself and Mr. BENNETT):

S. 2048. A bill to establish the San Rafael Western Legacy District in the State of Utah, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BIDEN:

S. 2049. A bill to extend the authorization for the Violent Crime Reduction Trust Fund; to the Committee on the Judiciary.

By Mr. REID (for himself, Mr. BRYAN, Mr. TORRICELLI, and Mr. BAUCUS):

S. 2050. A bill to establish a panel to investigate illegal gambling on college sports and to recommend effective countermeasures to combat this serious national problem; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DURBIN (for himself and Mr. FITZGERALD):

S. Res. 255. A resolution recognizing and honoring Bob Collins, and expressing the condolences of the Senate to his family on his death; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH (for himself, Mr. NICKLES, Mr. LOTT, Mr. ABRAHAM, Mr. THURMOND, Mr. KYL, Mr. ASHCROFT, Mr. SESSIONS, Mr. SMITH of New Hampshire, and Mr. COVERDELL):

S. 2042. A bill to reform the process by which the Office of the Pardon Attorney investigates and reviews potential exercises of executive clemency; to the Committee on the Judiciary.

THE PARDON ATTORNEY REFORM AND INTEGRITY ACT

Mr. HATCH. Mr. President, today I am introducing a bill that will help restore public confidence in the Department of Justice by reforming the way that the Office of Pardon Attorney investigates candidates for executive clemency. This bill, the Hatch-Nickles-Abraham Pardon Attorney Reform and Integrity Act, which is co-sponsored by Senators LOTT, THURMOND, KYL, ASHCROFT, SESSIONS, SMITH of New Hampshire, and COVERDELL, addresses the problems that led to the widespread public outrage at the Department of Justice's role in President Clinton's decision last September to release 11 Puerto Rican nationalist terrorists from prison.

The beneficiaries of President Clinton's grant of clemency were convicted terrorists who belong to violent Puerto Rican independence groups called the FALN and Los Macheteros. They were in prison for a seditious conspiracy that included the planting of over 130 bombs in public places in the United States, including shopping malls and restaurants. That bombing spree—which killed several people, injured many others and caused vast property damage—remains the most prolific terrorist campaign within our borders in United States history.

The Judiciary Committee has thoroughly investigated the facts and circumstances surrounding the decision to release those terrorists from prison. We read thousands of documents produced by the Department of Justice and the White House. We interviewed law enforcement officials knowledgeable about the FALN and Los Macheteros organizations. We spoke to victims, and we held two hearings on the many issues raised by the grant of clemency. Our investigation has led me to a very troubling conclusion: the Justice Department ignored its own rules for handling clemency matters, exercised very poor judgment in ignoring the opinions of law enforcement and victims, and sacrificed its integrity by bowing to political pressure to modify its original recommendation against clemency.

I do not come to this conclusion lightly. I base it on an examination of the facts. The facts show that the clemency recipients were never asked for information relevant to open investigations or the apprehension of fugitives—despite the fact that one of their co-defendants, Victor Gerena, is on the FBI's ''ten most wanted'' list. Many of the killings associated with the FALN bombings, including the infamous Fraunces Tavern bombing, remain unsolved. The failure to ask for such information from the clemency recipients, several of whom held leadership positions in the FALN, means that the rest of the perpetrators of those crimes may never be brought to justice. My legislation will require the Justice Department to notify law enforcement of pending clemency requests, and to assess whether a proposed clemency recipient could have information on open investigations and fugitives.

Our investigation also revealed that the White House and the Justice Department ignored the many victims of FALN crimes, even while senior officials were holding numerous meetings with the terrorists' advocates for clemency. While top government officials actually gave strategic advice to the terrorists, no one lifted a finger to find, interview, or even notify the victims about the pending clemency request. My legislation would help ensure that the Justice Department remembers who it is supposed to be working for by requiring it to notify and seek input from victims.

Finally, a disturbing connection has come to light between the FALN, Los Macheteros and the Cuban government.

Jorge Masetti, a former Cuban intelligence agent, has stated that Cuba helped Los Macheteros to plan and execute the $7.1 million Wells Fargo robbery—the biggest cash heist in US history—by providing funding, training and assistance in smuggling the money out of the country. Some sources estimate that 4 million dollars from the robbery ended up in Cuba. We don't know whether the Pardon Attorney knew of or told the President about this Cuban connection because the Pardon Attorney currently has no obligation to contact intelligence agencies for information relevant to proposed grants of executive clemency. My legislation would require the Justice Department to solicit from law enforcement and intelligence agencies necessary information concerning the nature of the threat posed by potential clemency recipients so that the Pardon Attorney can properly advise the President whether a particular grant of clemency will impact future crime or terrorism.

Before describing how this bill works, I want to explain how the Office of Pardon Attorney currently operates. The job of the Office of Pardon Attorney is not complicated: it is to investigate potential grants of clemency and, in appropriate cases, to produce a report and recommendations to the President. Ordinarily, this work begins when the office receives a petition from a prisoner or someone who has already completed a prison sentence. The Department's rules require that an individual seeking clemency submit such a petition to the Pardon Attorney. After receiving a petition, the Pardon Attorney makes an initial determination of whether the request has enough merit to warrant further investigation. If so, the Pardon Attorney researches the potential clemency recipient and prepares a report analyzing the information in light of the grounds for granting clemency. As described by the United States Attorneys' Manual, those grounds ''have traditionally included disparity or undue severity of sentence, critical illness or old age, and meritorious service rendered to the government by the petitioner.''

It is to be expected that the Administration and the Department of Justice Office of Legal Counsel (''OLC'') would question the constitutionality of this bill by asserting an expansive view of executive power. That is their nature. This is the same Administration and Department that resisted any oversight of the FALN clemency decision. The OLC and the Department have a history of taking a liberal view of laws and privileges that would shield the President from scrutiny. This is evidenced by the Department's sound defeats on assertions of government attorney-client privilege and its ill-fated attempt to create a protective function privilege out of whole cloth. Anyone examining the merits of the OLC's attacks against this bill, therefore, must acknowledge that the Administration and the Department have a track record of overstating executive power.

With that background, let me clarify that the Pardon Attorney Reform and Integrity Act was carefully drafted to avoid offending the separation of powers. The Act does not attempt to dictate how the President uses the pardon power. Far from it. The Constitution gives that power to the President, and this bill does not restrict it in any way. This bill affects only those cases where the President delegates the responsibility to investigate a particular potential grant of clemency. Nothing in the bill requires the President to ask the Pardon Attorney for assistance or requires the Pardon Attorney to take any particular position or recommend any particular outcome. It doesn't even require the Department to submit a report to the President, but simply make it available. Furthermore, the bill does not require the President to read any report, consider any particular information, or avail himself of any resource. The President will still be able to disregard the Justice Department's reports, use another agency, ask anyone in the world for advice, or exercise the ''pardon power'' without anyone's counsel. Only if the President chooses to ask the Justice Department for assistance will the procedural requirements of this bill apply—and they will apply only to the Justice Department, not to the President.

The Act is consistent with the Supreme Court's opinions relating to the pardon power. The Act neither ''change[s] the effect of . . . a pardon'' as described in *United States* v. *Kline*, 80 U.S. (13 Wall.) 128 (1872), nor will it ''modif[y], abridge[], or diminish[]'' the President's authority to grant clemency as discussed in *Schick* v. *Reed*, 419 U.S. 256, 266 (1974). In fact, the Act will have no effect whatsoever on the President's ability to exercise the pardon power as he or she sees fit.

Moreover, the Supreme Court has recognized that Congress can legislate in areas that touch upon the pardon power. In *Carlesi* v. *New York*, 233 U.S. 51 (1914), the Court found that it was within the power of the legislative branch to determine what effect a pardon would have on future criminal sentences. The Supreme Court has also acknowledged that the pardon power has limits; the President cannot use that power as an excuse to wield power over departments that he or she otherwise could not. In *Knote* v. *United States*, 95 U.S. 149 (1877), the Court held that the pardon power does not give the President authority to order the treasury to refund money taken from a prisoner—even though that prisoner had just been pardoned for the crime that gave rise to the government's seizure of that money.

It is Congress, not the President, that has the authority—indeed, the responsibility—to examine and legislate the manner in which the Justice Department performs its work. Congress created an ''attorney in charge of pardons'' within the Department of Justice in 1891, and appropriated money for an ''attorney in charge of pardons'' in that same year. To this day, the Office of the Pardon Attorney depends on funds appropriated annually by the Congress. In the most recent appropriations legislation, the Congress appropriated $1.6 million for the Pardon Attorney for the fiscal year ending September 30, 2000. This Congressional involvement—creation and funding of the office—provides a compelling basis for the Judiciary Committee's investigation and the present legislation.

''The power of the Congress to conduct investigations is inherent in the legislative process. That power is broad. It encompasses inquiries concerning the administration of existing laws as well as proposed or possibly needed statutes.'' *Watkins* v. *United States*, 354 U.S. 178, 187 (1957). The scope of this power '''is as penetrating and far-reaching as the potential power to enact and appropriate under the Constitution.''' *Eastland* v. *United States Servicemen's Fund*, 421 U.S. 491, 504 n. 15 (1975) (quoting *Barenblatt* v. *United States*, 360 U.S. 190, 111 (1959)). The Supreme Court has also recognized ''the danger to effective and honest conduct of the Government if the legislative power to probe corruption in the Executive Branch were unduly hampered.'' *Watkins*, 354 U.S. at 194–95. Once having established its jurisdiction and authority, and the pertinence of the matter under inquiry to its area of authority, a committee's investigative purview is substantial and wide-ranging. *Wilkinson* v. *United States*, 365 U.S. 408–09 (1961).

Congress also has broad powers under the Constitution to ''make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department of Officer thereof.'' The areas in which Congress may potentially legislate or appropriate are, by necessary implication, even broader. Thus, in determining whether Congress has jurisdiction to oversee and enact legislation, deference should be accorded to Congress' decision.

Because of this legal history, the administration of the Department of Justice and its various components has long been considered an appropriate subject of Congressional oversight. Early this century, in *McGrain* v. *Daugherty*, 273 U.S. 135, 151 (1927), the Supreme Court endorsed Congress' authority to study ''charges of misfeasance and nonfeasance in the Department of Justice.'' In that case, which involved a challenge to Congress' inquiry into the DOJ's role during the Teapot Dome scandal, the Court concluded that Congress had authority to investigate ''whether [DOJ's] functions were being properly discharged or were being neglected or misdirected, and particularly whether the Attorney General and his assistants were performing or neglecting their duties in

respect of the institution.'' Id. at 177. These precedents make clear that the Judiciary Committee has jurisdiction to investigate the Pardon Attorney's role in the pardon process, and to enact legislation concerning the way in which that office operates.

We have discussed this bill with the Department of Justice, and we have reviewed the regulations the Department has proposed. The problems with the Office of the Pardon Attorney, however, cannot be fixed by a mere change in department regulations. It has been six months since the public outcry over the FALN clemency shined a spotlight on the Pardon Attorney's practices. Despite having half-a-year to reform itself, the Department has suggested only minimal changes in the way it does business. In its draft regulations, the Department agrees that it should ascertain the views of victims, but only in cases involving ''crimes of violence.'' Victims of other crimes deserve the right to be heard, too. Victims of so-called identity theft, for example, have compelling stories of the horror of being forced into bankruptcy to avoid collections lawyers, losing their jobs due to issues related to wage garnishments, and trying to rebuild their lives without the ability to obtain credit or sign an apartment lease. Victims of such crimes also deserve to be heard. Similarly, the Department's proposed regulations acknowledge the need to determine whether releasing a particular prisoner would pose a risk, but limit their focus to past victims and ignore other possible targets including witnesses, informants, prosecutors and court personnel. The Department's proposal also fails to notify victims when it undertakes a clemency investigation, when it completes its report to the President, or when the President makes a decision. Under the Department's scheme, victims may still learn of a prisoner's release from prison by watching the event on TV.

Equally important, the Department's suggested regulations ignore the Department's main job: to protect law-abiding people from criminal acts. The Department does not see a need to require the Pardon Attorney to talk to law enforcement officials about whether a particular person could provide helpful information about criminal investigations or searches for fugitives. Nor does the Department see the value of asking law enforcement whether a potential release from prison would pose a risk to specific people other than victims or to a broader societal interest such as enhancing a particular criminal organization or decreasing the deterrent value of prison sentences. The Department's proposed regulations also ignore the importance of whether a potential clemency recipient has accepted responsibility for, or feels remorse over, criminal acts.

Even if the Department's proposed regulations were identical to this bill, moreover, those regulations could not overcome what is perhaps the most important weakness of all: Regulations are not law. They do not have the force of statutes, and they can be changed very easily. The FALN case proves the need for a statute because the Attorney General ignored even the current, weak regulations in the FALN matter. Although the Justice Department and the White House refuse to let anyone in Congress review the reports produced by the Pardon Attorney about the FALN clemency, it is clear that the Pardon Attorney did not follow the Justice Department regulations when analyzing the issues for the President. For starters, the Pardon Attorney began investigating a potential grant of clemency for the FALN terrorists even though no personal petitions for clemency had been filed. That's right—these terrorists had not asked for clemency prior to the Justice Department's efforts to free them. Indeed, no such petitions were ever filed. And the absence of petitions was not a mere oversight: the FALN terrorists refused to file such petitions because they do not recognize that their criminal acts were wrongful or that the United States government had the right to punish them for committing those acts.

I have the utmost respect for the career men and women at the Justice Department. It appears, however, the Department caved in to political pressure in this case. Although it submitted a report in December 1996 recommending against the granting of clemency for the FALN terrorists—which should have ended its involvement—the Pardon Attorney produced another report two-and-a-half years later reportedly changing its recommendation. The second report did not recommend either for or against the granting of clemency, violating the Justice Department regulation requiring that in every clemency case the Department ''shall report in writing [its] recommendation to the President, stating whether in [its] judgment the President should grant or deny the petition.''

Why did the Justice Department's recommendation change? What happened between the first report in December 1996 and the second one in the summer of 1999 that justified a reexamination and change of the Department's conclusion? Because of the President's assertion of executive privilege, we may never know for sure. It was a mistake for the President to let politics affect such an important clemency decision, but is much worse than a mistake when political pressure forces an independent agency to alter its advice against its better judgment.

The Pardon Attorney Reform and Integrity Act will help prevent this from happening again. It will make available to the President access to the most pertinent facts concerning the exercise of executive clemency, including information from law enforcement agencies about the risks posed by any release from prison. It will also help ensure that—if the President chooses to have the Department of Justice conduct a clemency review—the victims of crime will not be shut out of the clemency process while terrorists and their organized sympathizers have access to—and obtain advice from—high government officials. In other words, this Act will insure that the tax-payer funded Justice Department will, when assisting the President in a clemency review, focus on public safety, not politics. Let me be clear that the Department of Justice is an agency which I have great respect for. Its employees are loyal, dedicated public servants. This bill is aimed at helping the Department, not hurting it.

Specifically, our bill will do the following:

1. Give victims a voice by insuring that they are notified of key events in the clemency process and by giving them an opportunity to voice their opinions.

2. Enhance the voice of law enforcement by requiring the Pardon Attorney to notify the law enforcement community of a clemency investigation and permitting law enforcement to express its views on: the impact of clemency on the individuals affected by the decision—for example, victims and witnesses; whether clemency candidates have information which might help in other investigations; and whether granting clemency will increase the threat of terrorism or other criminal activity.

Of course, it is the hope of all the cosponsors—and all Americans—that presidents will use the congressionally created and funded Office of the Pardon Attorney in order to make the best possible decisions regarding executive clemency. I believe that when Congress passes this bill—and should President Clinton sign it into law—future Presidents, victims, and the American public will be well served. If President Clinton wants to help in this effort to restore integrity to the clemency process, he will announce his support for this bill.

Mr. President, I thank the many cosponsors of this act, and I ask the rest of my colleagues to support this much-needed legislation. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2042

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Pardon Attorney Reform and Integrity Act''.

SEC. 2. REPRIEVES AND PARDONS.

(a) DEFINITIONS.—In this section—

(1) the term ''executive clemency'' means any exercise by the President of the power to grant reprieves and pardons under clause 1 of section 2 of article II of the Constitution of the United States, and includes any pardon, commutation, reprieve, or remission of a fine; and

(2) the term ''victim'' has the meaning given the term in section 503(e) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10607(e)).

(b) REPORTING REQUIREMENT.—If the President delegates to the Attorney General the responsibility for investigating or reviewing, in any particular matter or case, a potential grant of executive clemency, the Attorney General shall prepare and make available to the President a written report, which shall include—

(1) a description of the efforts of the Attorney General—

(A) to make each determination required under subsection (c); and

(B) to make the notifications required under subsection (d)(1); and

(2) any written statement submitted by a victim under subsection (c).

(c) DETERMINATIONS REQUIRED.—In the preparation of any report under subsection (b), the Attorney General shall make all reasonable efforts to—

(1) inform the victims of each offense that is the subject of the potential grant of executive clemency that they may submit written statements for inclusion in the report prepared by the Attorney General under subsection (b), and determine the opinions of those victims regarding the potential grant of executive clemency;

(2) determine the opinions of law enforcement officials, investigators, prosecutors, probation officers, judges, and prison officials involved in apprehending, prosecuting, sentencing, incarcerating, or supervising the conditional release from imprisonment of the person for whom a grant of executive clemency is petitioned or otherwise under consideration as to the propriety of granting executive clemency and particularly whether the person poses a danger to any person or society and has expressed remorse and accepted responsibility for the criminal conduct to which a grant of executive clemency would apply;

(3) determine the opinions of Federal, State, and local law enforcement officials as to whether the person for whom a grant of executive clemency is petitioned or otherwise under consideration may have information relevant to any ongoing investigation or prosecution, or any effort to apprehend a fugitive; and

(4) determine the opinions of Federal, State, and local law enforcement or intelligence agencies regarding the effect that a grant of executive clemency would have on the threat of terrorism or other ongoing or future criminal activity.

(d) NOTIFICATION TO VICTIMS.—

(1) IN GENERAL.—The Attorney General shall make all reasonable efforts to notify the victims of each offense that is the subject of the potential grant of executive clemency of the following events, as soon as practicable after their occurrence:

(A) The undertaking by the Attorney General of any investigation or review of a potential grant of executive clemency in a particular matter or case.

(B) The making available to the President of any report under subsection (b).

(C) The decision of the President to deny any petition or request for executive clemency.

(2) NOTIFICATION OF GRANT OF EXECUTIVE CLEMENCY.—If the President grants executive clemency, the Attorney General shall make all reasonable efforts to notify the victims of each offense that is the subject of the potential grant of executive clemency that such grant has been made as soon as practicable after that grant is made, and, if such grant will result in the release of any person from custody, such notice shall be prior to that release from custody, if practicable.

(e) NO EFFECT ON OTHER ACTIONS.—Nothing in this section shall be construed to—

(1) prevent any officer or employee of the Department of Justice from contacting any victim, prosecutor, investigator, or other person in connection with any investigation or review of a potential grant of executive clemency;

(2) prohibit the inclusion of any other information or view in any report to the President; or

(3) affect the manner in which the Attorney General determines which petitions for executive clemency lack sufficient merit to warrant any investigation or review.

(f) APPLICABILITY.—Notwithstanding any other provision of this section, this section does not apply to any petition or other request for executive clemency that, in the judgment of the Attorney General, lacks sufficient merit to justify investigation or review, such as the contacting of a United States Attorney.

(g) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall promulgate regulations governing the procedures for complying with this section.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 2043. A bill to designate the United States Post Office building located at 3101 West Sunflower Avenue in Santa Ana, California, as the ''Hector G. Godinez Post Office Building''; to the Committee on Governmental Affairs.

HECTOR G. GODINEZ POST OFFICE BUILDING

● Mrs. FEINSTEIN. Mr. President, I rise to ask my colleagues to support a bill to name the Santa Ana, California Post Office as the ''Hector G. Godinez Post Office Building.''

Hector Godinez, who passed away in May of 1999, was a true leader in his community of Santa Ana, California. He was a pioneer in the United States Postal Service rising from letter carrier to become the first Mexican-American to achieve the rank of District Manager within the United States Postal Service. He served with honor in World War II, was a ardent civil rights activist and an active participant in civic organizations and local government.

After graduation from Santa Ana High School, Mr. Godinez enlisted into the armed services and was a tank commander in World War II under General George Patton. For his service, he earned a bronze star for bravery under fire and was also awarded a purple heart for wounds received in battle.

Upon his return home in 1946, Mr. Godinez started his first of 48 years of distinguished service as a United States postal worker.

Hector Godinez was a true pillar within the Santa Ana community devoting his tireless energy to such civic groups as the Orange County District Boy Scouts of America, Santa Ana Chamber of Commerce, Orange County YMCA and National President of the League of United Latin American Citizens, one of the country's oldest Hispanic civil rights organizations.

On behalf of the Godinez family and the people of Santa Ana, California, it is my pleasure to introduce this bill to name the Santa Ana, California Post Office in his honor.●

By Mr. CAMPBELL:

S. 2044. A bill to allow postal patrons to contribute to funding for domestic violence programs through the voluntary purchase of specially issued postage stamps; to the Committee on Governmental Affairs.

THE STAMP OUT DOMESTIC VIOLENCE ACT OF 2000

Mr. CAMPBELL. Mr. President, today I introduce the Stamp Out Domestic Violence Act of 2000.

The bill will allow every American to easily contribute to the fight against domestic violence through the voluntary purchase of certain specially issued U.S. Postal stamps, generally referred to as semi-postals. Proceeds raised from the stamps would fund domestic violence programs nationwide.

The national statistics on domestic violence are reprehensible and shocking. Consider the following: A woman is battered every 15 seconds in the United States. According to the Justice Department, four million American women were victims of violent crime last year. Two thirds of these women were victimized by someone they knew. In fact, 30 percent of female murder victims are killed by current or former partners. In Colorado alone, the Colorado Coalition Against Domestic Violence reported 59 domestic violence related deaths in 1998. We can and must make every effort to change that. But, before we can eliminate the incidence of domestic violence we must acknowledge the problem and identify the resources needed to combat the problem.

Mr. President, I believe this bill represents an innovative way to generate money for the fight against domestic violence. In the 105th Congress, as Chairman of the Treasury and General Government Appropriations Subcommittee, I supported the first semi-postal issued in the United States, the Breast Cancer Research Stamp. So far, more than 104 million stamps have been sold nationally, raising $8 million for breast cancer research. My bill is modeled after the breast cancer stamp, and I am confident it will be just as successful.

Specifically, under the ''Stamp Out Domestic Violence Act of 2000,'' the Postal Service would establish a special rate of postage for first-class mail, not to exceed 25 percent of the first-class rate, as an alternative to the regular first-class postage. The additional sum would be contributed to domestic violence programs. The rate would be determined in part, by the Postal Service to cover administrative costs, and the remainder by the Governors of the Postal Service. All of the funds raised would go to the Department of Justice to support local domestic violence initiatives across the country.

In a country as blessed as America, the horrid truth is more women are injured by domestic violence each year than by automobile and cancer deaths—combined. We can no longer ignore that fact, for our denial is but a

small step from tacit approval. The funds raised by this stamp will represent another step forward in addressing this national concern. I urge my colleagues to act quickly on this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objecton, the bill was ordered to be printed in the RECORD, as follows:

S. 2044

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Stamp Out Domestic Violence Act of 2000''.

SEC. 2. SPECIAL POSTAGE STAMPS RELATING TO DOMESTIC VIOLENCE.

(a) IN GENERAL.—Chapter 4 of title 39, United States Code, is amended by inserting after section 414 the following:

''§ 414a. Special postage stamps relating to domestic violence

''(a) In order to afford the public a convenient way to contribute to funding for domestic violence programs, the Postal Service shall establish a special rate of postage for first-class mail under this section.

''(b) The rate of postage established under this section—

''(1) shall be equal to the regular first-class rate of postage, plus a differential not to exceed 25 percent;

''(2) shall be set by the Governors in accordance with such procedures as the Governors shall by regulation prescribe (in lieu of the procedures under chapter 36); and

''(3) shall be offered as an alternative to the regular first class rate of postage.

''(c) The use of the rate of postage established under this section shall be voluntary on the part of postal patrons.

''(d)(1) Amounts becoming available for domestic violence programs under this section shall be paid by the Postal Service to the Department of Justice. Payments under this section shall be made under such arrangements as the Postal Service shall, by mutual agreement with the Department of Justice, establish in order to carry out the purposes of this section, except that under those arrangements, payments to the Department of Justice shall be made at least twice a year.

''(2) For purposes of this section, the term 'amounts becoming available for domestic violence programs under this section' means—

''(A) the total amount of revenues received by the Postal Service that it would not have received but for the enactment of this section; reduced by

''(B) an amount sufficient to cover reasonable costs incurred by the Postal Service in carrying out this section, including costs attributable to the printing, sale, and distribution of stamps under this section,

as determined by the Postal Service under regulations that it shall prescribe.

''(e) It is the sense of Congress that nothing in this section should—

''(1) directly or indirectly cause a net decrease in total funds received by the Department of Justice or any other agency of the Government (or any component or program thereof) below the level that would otherwise have been received but for the enactment of this section; or

''(2) affect regular first-class rates of postage or any other regular rates of postage.

''(f) Special postage stamps under this section shall be made available to the public beginning on such date as the Postal Service shall by regulation prescribe, but not later than 12 months after the date of the enactment of this section.

''(g) The Postmaster General shall include in each report rendered under section 2402 with respect to any period during any portion of which this section is in effect, information concerning the operation of this section, except that, at a minimum, each report shall include—

''(1) the total amount described in subsection (d)(2)(A) which was received by the Postal Service during the period covered by such report; and

''(2) of the amount under paragraph (1), how much (in the aggregate and by category) was required for the purposes described in subsection (d)(2)(B).

''(h) This section shall cease to be effective at the end of the 2-year period beginning on the date on which special postage stamps under this section are first made available to the public.''.

(b) REPORT BY THE COMPTROLLER GENERAL OF THE UNITED STATES.—Not later than 3 months (but no earlier than 6 months) before the end of the 2-year period referred to in section 414a(h) of title 39, United States Code (as amended by subsection (a)), the Comptroller General of the United States shall submit to the Congress a report on the operation of such section. Such report shall include—

(1) an evaluation of the effectiveness and the appropriateness of the authority provided by such section as a means of fundraising; and

(2) a description of the monetary and other resources required of the Postal Service in carrying out such section.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF SECTIONS.—The table of sections for chapter 4 of title 39, United States Code, is amended by striking the item relating to section 414 and inserting the following:

''414. Special postage stamps relating to breast cancer.

''414a. Special postage stamps relating to domestic violence.''.

(2) SECTION HEADING.—The heading for section 414 of title 39, United States Code, is amended to read as follows:

''§414. Special postage stamps relating to breast cancer''.

By Mr. HATCH (for himself, Mr. ABRAHAM, Mr. GRAMM, Mr. GRAHAM, Mr. LIEBERMAN, Mrs. FEINSTEIN, Mr. LOTT, Mr. NICKLES, Mr. MACK, Mr. SPECTER, Mr. DEWINE, Mr. MCCONNELL, Mr. GORTON, Mr. HAGEL, Mr. BENNETT, Mr. GRAMS, Mr. ASHCROFT, Mr. BROWNBACK, Mr. SMITH of Oregon, and Mr. WARNER):

S. 2045. A bill to amend the Immigration and Nationality Act with respect to H–1B nonimmigrant aliens; to the Committee on the Judiciary.

AMERICAN COMPETITIVENESS IN THE TWENTY-FIRST CENTURY ACT OF 2000

Mr. HATCH. Mr. President, I rise today to introduce what I believe is one of the most important pieces of legislation the Senate will consider this year, the American Competitiveness in the 21st Century Act.

At the outset, I would like to express my gratitude to my two lead cosponsors, Senator ABRAHAM and Senator GRAMM. Both have worked tirelessly with me to craft this legislation. Senator ABRAHAM, of course, as chairman of the Immigration Subcommittee, has long led the way on this matter. I also thank our Democrat sponsors, Senators GRAHAM, LIEBERMAN, and FEINSTEIN, as well as our majority leader and assistant majority leader for their contributions to this effort.

Last month, the national jobless rate hit 4 percent, the lowest level in 30 years. That jobless rate is even lower in my home State of Utah at 3.3 percent. That's great news; but at the same time, serious labor shortages threaten our continued economic prosperity and global competitiveness. A recent study, for example, concluded that a shortage of high-tech professionals is currently costing the U.S. economy $105 billion a year.

A look at last Sunday's Washington Post makes the problem very clear. High-tech jobs even have their own separate section of help wanted ads. Twenty-one pages of jobs, jobs, jobs.

The Clinton administration recently projected that in the next 5 years, high-tech and related employment will grow ''more than twice as fast as employment in the economy as a whole.'' The growth of the high-tech industry is being felt across this country, and nowhere more than in my State of Utah. Common sense tells us that we must allow American high-tech companies to fill their labor needs in the United States, or they will be forced to take these opportunities of growth abroad.

We want the high tech industry to thrive in the United States and to continue to serve as the engine for the growth of jobs and opportunities for American workers. If Congress fails to act promptly to alleviate today's high-tech labor shortage, today's low jobless rate will be a mere precursor to tomorrow's lost opportunities.

The purpose of our important bipartisan legislation is twofold: (1) To allow for a necessary infusion of high-tech workers in the short term, and (2) to make prudent investments in our own workforce for the long term.

It is clear that in the short term we need to raise the limits of the number of temporary visas for highly skilled labor. Our bill does this by increasing the cap to 195,0000 visas over each of the next 3 years. We also exempt persons from the cap who come to work in our universities and persons who have recently received advanced degrees in our educational institutions.

But this, by itself, is not a satisfactory solution either in the short item or long term. Thus, we need to redouble our efforts to provide training and educational opportunities for our current and future workforce. Thus, we raise an additional $150 million for scholarships and training of American workers for these jobs for a total of $375 million for education and training under this program over 3 fiscal years. Our legislation, in other words, seeks

to address both the short and long term needs.

My hope is that the administration will come to support this important high-tech legislation. In our new knowledge-based economy, where ideas and innovations rather than land or natural resources are the principal well springs of economy growth, American competitiveness depends greatly on intellectual assets and capacity. The most successful economics of the 21st century will be those which maximize intellectual assets. In recognition of this fact, the administration has worked with me over the years to improve intellectual property protection and to encourage developing nations to invest in doing likewise. For this reason, I believe that the administration appreciates the need for this legislation. In the end, I hope they will have the smarts to listen to Alan Greenspan—who has testified about the need for this bill—and that the administration will support its passage.

I ask unanimous consent that the text of the bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2045

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''American Competitiveness in the Twenty-first Century Act of 2000''.

SEC. 2. TEMPORARY INCREASE IN VISA ALLOTMENTS.

In addition to the number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) (8 U.S.C. 1101 (a)(15)(H)(i)(b)), the following number of aliens may be issued such visas or otherwise provided such status for each of the following fiscal years:

(1) 80,000 for fiscal year 2000;

(2) 87,500 for fiscal year 2001; and

(3) 130,000 for fiscal year 2002.

SEC. 3. SPECIAL RULE FOR UNIVERSITIES, RESEARCH FACILITIES, AND GRADUATE DEGREE RECIPIENTS.

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended by adding at the end the following new paragraphs:

''(5) The numerical limitations contained in paragraph (1)(A)(iii) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b)—

''(A) who is employed (or has received an offer of employment) at—

''(i) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity; or

''(ii) a nonprofit research organization or a governmental research organization; or

''(B) for whom a petition is filed not more than 90 days before or not more than 180 days after the nonimmigrant has attained a master's degree or higher degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))).''.

''(6) Any alien who ceases to be employed by an employer described in paragraph (5)(A) shall, if employed as a nonimmigrant alien described in section 101(a)(15)(H)(i)(b), be counted toward the numerical limitations contained in paragraph (1)(A)(iii) the first time the alien is employed by an employer other than one described in paragraph (5)(A).''.

SEC. 4. LIMITATION ON PER COUNTRY CEILING WITH RESPECT TO EMPLOYMENT-BASED IMMIGRANTS.

(a) SPECIAL RULES.—Section 202(a) (8 U.S.C. 1152(a)) is amended by adding at the end the following new paragraph:

''(5) RULES FOR EMPLOYMENT-BASED IMMIGRANTS.—

''(A) EMPLOYMENT-BASED IMMIGRANTS NOT SUBJECT TO PER COUNTRY LIMITATION IF ADDITIONAL VISAS AVAILABLE.—If the total number of visas available under paragraph (1), (2), (3), (4), or (5) of section 203(b) for a calendar quarter exceeds the number of qualified immigrants who may otherwise be issued such visas, the visas made available under that paragraph shall be issued without regard to the numerical limitation under paragraph (2) of this subsection during the remainder of the calendar quarter.

''(B) LIMITING FALL ACROSS FOR CERTAIN COUNTRIES SUBJECT TO SUBSECTION (e).—In the case of a foreign state or dependent area to which subsection (e) applies, if the total number of visas issued under section 203(b) exceeds the maximum number of visas that may be made available to immigrants of the state or area under section 203(b) consistent with subsection (e) (determined without regard to this paragraph), in applying subsection (e) all visas shall be deemed to have been required for the classes of aliens specified in section 203(b).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 202(a)(2) (8 U.S.C. 1152(a)(2)) is amended by striking ''paragraphs (3) and (4)'' and inserting ''paragraphs (3), (4), and (5)''.

(2) Section 202(e)(3) (8 U.S.C. 1152(e)(3)) is amended by striking ''the proportion of the visa numbers'' and inserting ''except as provided in subsection (a)(5), the proportion of the visa numbers''.

(c) ONE-TIME PROTECTION UNDER PER COUNTRY CEILING.—Notwithstanding section 214(g)(4) of the Immigration and Nationality Act, any alien who—

(1) is the beneficiary of a petition filed under section 204(a) for a preference status under paragraph (1), (2), or (3) of section 203(b); and

(2) would be subject to the per country limitations applicable to immigrants under those paragraphs but for this subsection,

may apply for, and the Attorney General may grant, an extension of such nonimmigrant status until the alien's application for adjustment of status has been processed and a decision made thereon.

SEC. 5. INCREASED PORTABILITY OF H–1B STATUS.

(a) IN GENERAL.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

''(m)(1) A nonimmigrant alien described in paragraph (2) who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) is authorized to accept new employment upon the filing by the prospective employer of a new petition on behalf of such nonimmigrant as provided under subsection (a). Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, employment authorization shall cease.

''(2) A nonimmigrant alien described in this paragraph is a nonimmigrant alien—

''(A) who has been lawfully admitted into the United States;

''(B) on whose behalf an employer has filed a nonfrivolous application for new employment or extension of status before the date of expiration of the period of stay authorized by the Attorney General; and

''(C) who has not been employed without authorization in the United States before or during the pendency of such petition for new employment.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to petitions filed before, on, or after the date of enactment of this Act.

SEC. 6. EXTENSION OF AUTHORIZED STAY IN CASES OF LENGTHY ADJUDICATIONS.

(a) EXEMPTION FROM LIMITATION.—The limitation contained in section 214(g)(4) of the Immigration and Nationality Act with respect to the duration of authorized stay shall not apply to any nonimmigrant alien previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act on whose behalf a petition under section 204(b) to accord the alien immigrant status under section 203(b), or an application for adjustment of status under section 245 to accord the alien status under section 203(b), has been filed, if 365 days or more have elapsed since the filing of a labor certification application on the alien's behalf, if required for the alien to obtain status under section 203(b), or the filing of the petition under section 204(b).

(b) EXTENSION OF H1-B WORKER STATUS.—The Attorney General shall extend the stay of an alien who qualifies for an exemption under subsection (a) in one-year increments until such time as a final decision is made on the alien's lawful permanent residence.

SEC. 7. EXTENSION OF CERTAIN REQUIREMENTS AND AUTHORITIES THROUGH FISCAL YEAR 2002.

(a) ATTESTATION REQUIREMENTS.—Section 212(n)(1)(E)(ii)) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(E)(ii)) is amended by striking ''October 1, 2001'' and inserting ''October 1, 2002''.

(b) FEE REQUIREMENTS.—Section 212(c)(9)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(c)(9)(A)) is amended in the text above clause (i) by striking ''October 1, 2001'' and inserting ''October 1, 2002''.

(c) DEPARTMENT OF LABOR INVESTIGATIVE AUTHORITIES.—Section 413(e)(2) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking ''September 30, 2001'' and inserting ''September 30, 2002''.

SEC. 8. RECOVERY OF VISAS USED FRAUDULENTLY.

Section 214(g)(3) of the Immigration and Nationality Act (8 U.S.C. 1184 (g)(3)) is amended to read as follows:

''(3) Aliens who are subject to the numerical limitations of paragraph (1) shall be issued visas (or otherwise provided nonimmigrant status) in the order in which petitions are filed for such visas or status. If an alien who was issued a visa or otherwise provided nonimmigrant status and counted against the numerical limitations of paragraph (1) is found to have been issued such visa or otherwise provided such status by fraud or willfully misrepresenting a material fact and such visa or nonimmigrant status is revoked, then one number shall be restored to the total number of aliens who may be issued visas or otherwise provided such status under the numerical limitations of paragraph (1) in the fiscal year in which the petition is revoked, regardless of the fiscal year in which the petition was approved.''.

SEC. 9. NSF STUDY AND REPORT ON THE "DIGITAL DIVIDE".

(a) STUDY.—The National Science Foundation shall conduct a study of the divergence

in access to high technology (commonly referred to as the ''digital divide'') in the United States.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Director of the National Science Foundation shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

Mr. ABRAHAM. Mr. President, I rise to join Senator HATCH in introducing the American Competitiveness in the 21st Century Act.

Mr. President, no company can grow if it fails to find enough employees with the skills needed to get the job done. And that is precisely the situation faced by our high-tech companies today. A Joint Venture: Silicon Valley study found that a lack of skilled workers is costing Silicon Valley companies $3 to $4 billion every year. A Computer Technology Industry Association study concluded that a shortage of information technology professionals is costing the U.S. economy as a whole $105 billion per year.

These costs should not be seen as mere abstractions. Because of skilled labor shortages, an increasing number of highly productive firms have had to curtail their economic activities and/or move offshore. At an October 21, 1999 Senate Immigration Subcommittee hearing, Susan DeFife, CEO of womenCONNECT.com, noted that ''as investment capital flows into start-ups and puts them on a fast growth track, the demand for workers will continue to far exceed the supply. In order to fill these positions, the options for tech companies are not particularly attractive: we can limit our growth, but then we lose the ability to compete; we can 'steal' employees from other companies, which makes none of us stronger and forces us to constantly look over our shoulders; or, in the case of larger companies I know, move operations off-shore.''

None of these solutions is good for our economy or our workers. As e-commerce and other forms of high technology become increasingly integrated throughout our economy, the long-term solution to our dilemma will be for earlier and better training for our young people to qualify them for high-tech tasks. But we are losing productivity and opportunities for growth right now. If we are to maintain our high-tech edge in an increasingly competitive global market, we must find the skilled workers we need wherever we can.

We must meet our training and education needs. And we need wise and careful reforms to our immigration laws. This is not an either/or proposition. We have studied this approach for some time. In February of 1998 the Senate Judiciary Committee held a hearing on high technology workforce issues. This hearing demonstrated that many companies could not find enough qualified professionals to fill key jobs. It also showed that the foreign-born individuals hired by companies on H–1B temporary visas typically many additional jobs for Americans through their skills and motivations.

Mr. President, shortly after that hearing, Congress raised the cap on H–1B visas from 65,000 to 115,000 in FY1999 and 2000, and 107,500 in 2001. A number of provisions in this legislation increased enforcement efforts and established a $500 fee per visa—currently generating $75 million per year—for training and scholarships to encourage Americans to enter high-tech related fields.

Unfortunately, this was not enough. Despite the raised cap, a tight labor market, increasing globalization and burgeoning economic growth all combined to increase demand for skilled workers. The 1999 cap on H–1B visas was reached by June of last year.

We must do more to enable American employers to hire job-creating high-tech professionals. That is why I have sponsored this legislation that would:

Provide a temporary increase in H–1B visas. Caps would be increased by 80,000 for FY 2000; 87,500 for FY 2001; and 130,000 for FY 2002.

Create exemptions for universities, research facilities, and graduate degree recipients to help keep in the country top graduates and those who help educate Americans.

Modify per-country limits on permanent employment visas to allow companies to hire talent without regard to nationality.

Increase labor mobility by allowing H–1B professionals to change jobs as soon as the new employer files the initial paperwork, instead of waiting for a new H–1B application to be approved.

Continue and extend the $500 per visa fee to provide over $150 million in additional funding over three years for training and scholarships. Counting the existing money brought in by the fee, this will raise the total to over $375 million over three years and will help over 50,000 American students receive scholarships in math, science or engineering.

These provisions will increase our economic competitiveness, sustain our economic growth, and provide new opportunities for workers and entrepreneurs. Julie Holdren, President and CEO of the Olympus Group, told the Immigration Subcommittee that ''For every H–1B worker I employ, I am able to hire ten more American workers.'' A study for the Public Policy Institute of California by U.C. Berkeley Professor Annalee Saxenian bears this testimony out. It found that Chinese and Indian immigrant entrepreneurs in northern California alone were responsible for employing 58,000 people, with annual sales of nearly $17 billion.

Critics of the last H–1B visa increase have been proven spectacularly wrong, as the U.S. economy added 387,000 new jobs in January and the unemployment rate dropped to a 30-year low of 4 percent. Specialty jobs in the computer industry alone are projected to grow by 1.5 million between 1998 and 2008, according to the Department of Labor.

President Clinton's former chief economic advisor, Laura D'Andrea Tyson argues that ''it's time to raise the cap on H–1B visas yet again and to provide room for further increases as warranted. Silicon Valley's experience reveals that the results will be more jobs and higher incomes for both Americans and immigrant workers.''

Mr. President, the final word should belong to Federal Reserve Chairman Alan Greenspan. At a Budget Committee hearing last month he was asked ''Do you believe we should do something with our laws—immigration—that would allow high tech . . . labor to come into the country to ease the burden'' on our labor force?

Chairman Greenspan responded: ''I would certainly agree with that. It's clear that under existing circumstance . . . aggregate demand is putting very significant pressures on an ever-decreasing available supply of unemployed labor. The one obvious means that one can use to offset that is expanding the number of people we allow in, either generally or in a specifically focused area.''

By increasing the number of highly skilled professionals we allow to work in America, and providing additional funding for training and scholarships, we will create jobs for all Americans and keep our high-tech driven economic expansion on the move.

Mr. GRAMM. Mr. President, today I am proud to join in the introduction of legislation which will increase the number of H–1B temporary work visas used to recruit and hire workers with very specialized skills, particularly in high technology fields. This bill will ensure that the dramatic U.S. economic expansion will not be stalled by a lack of skilled workers in critical positions. It retains the language of current law which protects qualified U.S. workers from being displaced by H–1B visa holders.

With record low unemployment, U.S. companies already have been forced to slow their expansion or even to cancel projects, and some may be forced to move their operations overseas because of an inability to find qualified individuals to fill job vacancies. We will achieve our full economic potential only if we ensure that high-technology companies can find and hire the people whose unique qualifications and skills are critical to America's future.

Last year, the Congress temporarily increased the number of annual H–1B visas from 65,000 to 115,000 for Fiscal Years 1999 and 2000, and to 107,500 in 2001. The number of H–1B visas is scheduled to drop back to 65,000 for Fiscal Year 2002 and subsequent years. Our legislation will increase the H–1B visa cap to 195,000 for Fiscal Years 2000, 2001, and 2002. By the end of that period, we will have the data we need to make an informed decision on the number of such visas required beyond 2002.

According to a recent study by the American Electronics Association (AEA), Texas has the fastest growing

high technology industry in the country and is second only to California in the number of high technology workers. This legislation would ensure that these companies have access to highly educated workers, in order that America can continue to grow and prosper, and in doing so, create more jobs and opportunity for U.S. workers.

I believe that this legislation represents a fair and effective way to address a critical need in our Nation's economy, and I hope my colleagues will quickly approve this important proposal.

By Mr. FRIST (for himself, Mr. ROCKEFELLER, Mr. ROBERTS, Mr. BREAUX, and Mr. HOLLINGS):

S. 2046. A bill to reauthorize the Next Generation Internet Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE NEXT GENERATION INTERNET 2000 ACT

Mr. FRIST. Mr. President, I rise today to introduce the Next Generation Internet 2000 Act, a multi-agency research and development program designed to fund advanced networking infrastructure and technologies. Two and a half years ago, I stood in this exact spot and introduced its predecessor, the ''Next Generation Internet Research Act of 1998.'' While scientists throughout the country have made tremendous inroads since that time, the digital divide makes the truth clear and simple: we are leaving many of our fellow Americans behind. The Next Generation Internet 2000 will attempt to eliminate these geographical barriers, while providing research funding for a faster, more secure and robust network infrastructure for all Americans.

The Internet is one of the most significant developments of the last decade. Its significance is not limited to the new industries that it has created nor the new educational opportunities that it affords. The impact of the Internet goes beyond those things. With the development of electronic commerce, the Internet has radically altered the economic landscape of this country. Advances in industries are taking place at a faster and faster pace. At the heart of this dizzying pace of change are two things: computers and communications. More and more we are seeing that computers and communications means the Internet.

If you had to find a prototypical success story, it could very well be the Internet. There are in fact, multiple dimensions to its success. It was and is a successful public-private collaboration. It demonstrated successful commercial application of technology developed as part of mission directed research program. It showed a successful transition of an operational system from the public to the private sector. Perhaps most of all, it is a prime example of a successful federal investment.

In some respects the Internet is now ''suffering'' from too much success. With the advent of tools that have made the Internet easy to use, there has been an explosion in the growth of network traffic. As computers become more powerful, applications more sophisticated, and the user interfaces get easier to use, we can look forward to an even greater demand for network bandwidth.

The Internet and its promising applications have transformed our daily lives. They have reshaped the ways in which we communicate at work, and with our families; they have made revolutionary medical advances a reality that we once thought impossible only a few years ago. But each day, as more and more of our neighbors become connected to the World Wide Web and experience the amazement of its potential, certain segments of our nation are left without these same opportunities.

Since the enactment of the Next Generation Internet Research Act of 1998, the National Science Foundation has connected hundreds of new sites to a testbed providing a 100-fold increase in network performance. And the Department of Defense is currently deploying a testbed with 1,000-fold increased performance at over twenty sites to support networking research and applications deployment. As we applaud the success of the first three years of the Next Generation Internet (NGI) initiative, we must also realize its current limitations.

In the review of the first two years of the initiative, the President's Information Technology Advisory Committee recommended that the NGI program should continue to focus on the utility of the Next Generation Internet's gigabit bandwidth to end-users, its increased security, and its expanded quality of service. More importantly, the committee shared Congress' concern that no federal program specifically addresses the geographical penalty issue—the imposition of costs on users of the Internet in rural or other locations that are disproportionately greater than the costs imposed on users in locations closer to high populations. I must admit that this is a great disappointment for myself and my colleagues who fought to combat this geographical penalty through the authorization of NGI in 1998. Unfortunately, the White House did not take us seriously and did not follow through with the complete implementation of the original act.

The Next Generation Internet 2000 makes a distinct departure from its predecessor. First, it designates ten percent of the overall program funding for research to reduce the cost of Internet access services available to all users in geographically remote areas. It further prioritizes that these research grants be awarded to qualified college-level educational institutions located in Experimental Program to Stimulate Competitive Research states.

Second, the act requires that five percent of the research grants shall be made available to minority institutions including Hispanic, Native American, Historically Black Colleges and small colleges and universities. The most efficient way to open the Internet superhighway to everyone is to provide scientists in every corner of the nation with opportunities to perform peer-reviewed and merit-based research.

Finally, the National Academy of Sciences is requested to conduct a study to determine the extent to which the Internet backbone and network infrastructure contribute to the digital divide. The study will further assess the existing geographical penalty and its impact on all users and their ability to obtain secure and reliable Internet access.

I urge my colleagues to support this bipartisan legislation.

By Mr. DODD (for himself, Mr. LIEBERMAN, Ms. SNOWE, Mr. JEFFORDS, Mr. LAUTENBERG, Mr. REED, and Mr. LEAHY):

S. 2047. A bill to direct the Secretary of Energy to create a Heating Oil Reserve to be available for use when fuel oil prices in the United States rise sharply because of anticompetitive activity, during a fuel oil shortage, or during periods of extreme winter weather; to the Committee on Energy and Natural Resources.

THE HOME HEATING OIL PRICE STABILITY ACT

Mr. DODD. Mr. President, I am pleased to be joined by Senators LIEBERMAN, SNOWE, JEFFORDS, LAUTENBERG, REED and LEAHY in introducing the Home Heating Oil Price Stability Act.

For the past several weeks, Connecticut and the Northeast have been gripped by cold weather and skyrocketing heating oil prices. Approximately 36 percent of households in the Northeast rely on home heating oil. On Friday, February 4th, home heating oil cost $2 per gallon in Hartford, Connecticut and $1.80 per gallon a little farther east in Groton, Connecticut, almost double the price from mid-January. Prices averaged $.86 per gallon during the winter of 1998/1999.

Independent, family-owned heating oil retailers in Connecticut are struggling to meet their delivery demands because of supply constraints. Local oil terminals are at dangerously low levels. Last week, supply levels of heating oil were so low in Bridgeport and New Haven that the Connecticut Department of Environmental Protection issued a 48-hour waiver to allow the sale of 7–9 million gallons of heating oil with sulphur content above the level permitted by state law.

To be sure, the extreme cold weather and isolated refinery problems have contributed to the supply strain. Icy waters around New Haven had slowed the off-loading of some heating oil in late January and early February. However, even after tankers were able to unload millions of gallons last weekend, customers throughout Connecticut are still paying record-high prices as high as $2.10 per gallon—supply is still tight.

The Northeast is always cold in winter, so why are consumers and retailers suffering so much this winter? Many analysts believe that the precarious petroleum situation was precipitated by a calculated decision by OPEC and others to cut back production, and by major oil companies adhering to a practice of just-in-time inventories. As petroleum prices began to rise in reaction to OPEC action, refiners drew down from their already low stock of lower-priced crude rather than purchasing higher-priced crude and thus replenishing the stocks. Inventories dwindled and the supply is now at record low levels. For the week ending January 14, the total distillate stock for the East Coast was 33.5 million barrels compared with 69.1 million barrels a year ago.

What do these events mean to the average consumer in Connecticut and the Northeast? Dramatically higher costs, for starters. Heating oil bills are averaging 30–60 percent higher than last year. The wide range is due to the extent to which people are turning down their thermostats to ration supply and stretch their dollars. Schools, libraries and small businesses are seeing their budgets burst as more money is allocated for fuel. The Middletown, Connecticut school system has spent more than twice as much for heating oil from October to January than during the same period a year ago, despite a warmer than average December.

Some market analysts believe this is a temporary situation. Mr. President, this is not a temporary situation. Just-in-time inventory practices appear to be here to stay. OPEC has intimated that the petroleum production drawbacks may continue beyond March, thus causing further instability at a time when peak demand for gasoline begins. This is a perennial problem—unusually high heating oil prices in winter followed by skyrocketing gasoline prices in the summer.

Today's legislation is an effort to address the heating oil problem for the long-term. It would create a heating oil reserve of 2 million barrels in leased storage facilities in New York Harbor and 4.7 million barrels of heating oil in one of four Strategic Petroleum Reserve (SPR) caverns along the Gulf Coast. The Secretary of Energy may fill the reserve by trading crude oil from the SPR for heating oil. The President may draw down the reserve when fuel oil prices in the United States rise sharply because of anticompetitive activity, during a fuel oil shortage, or during periods of extreme winter weather.

Let me be perfectly clear. The creation of a Government regional heating oil reserve is not intended to compete with the commercial sector for sales under normal conditions. It is intended, rather, to help stabilize supplies and prices during critical periods.

I, along with Senator LIEBERMAN, first raised the issue of establishing a regional reserve in 1996 when Connecticut consumers were facing unusually high heating oil prices attributed to extreme winter weather and domestic and international events, including the onset of just-in-time inventories. We asked the Department of Energy (DOE) to examine regional reserve feasibility and report back to Congress. Their conclusions form the foundation of our legislation.

Mr. President, I have an article from July 13, 1998 coinciding with the release of the report that states a positive benefit/cost ratio if a small reserve were located in leased terminals in the Northeast and filled by trading crude from the SPR for the distillate. As I stated briefly a moment ago, our legislation also establishes a backup 4.7 million barrel reserve in the Gulf due to excess capacity there.

This legislation should be part of a long-term solution. In the meantime, Connecticut and Northeast residents need near-term action. Advice to just ride out the winter is simply not acceptable. Hardest hit are the poor and elderly who should not have to choose among having a warm house, food on the table, or medicine in the cabinet.

The current home heating oil crisis cuts across all income levels. The 1999/2000 winter will go down in the history books as the year with the highest heating oil prices ever. I am sure you will agree with me that this is one record that need never be broken. I urge our colleagues to join me, Senators LIEBERMAN, and our other cosponsors in support of working families, small businesses, and towns across the Northeast to move forward with this legislation. I ask unanimous consent that a copy of the bill and additional material be entered in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2047

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Home Heating Oil Price Stability Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) a sharp, sustained increase in the price of fuel oil would negatively affect the overall economic well-being of the United States, and such increases have occurred in the winters of 1983-84, 1988-89, 1996-97, and 1999-2000;

(2) the United States currently imports roughly 55 percent of its oil;

(3) heating oil price increases disproportionately harm the poor and the elderly;

(4) the global oil market is often greatly influenced by nonmarket-based supply manipulations, including price fixing and production quotas; and

(5) according to the June 1998 Department of Energy ''Report to Congress on the Feasibility of Establishing a Heating Oil Component to the Strategic Petroleum Reserve''—

(A) the use of a Government-owned distillate reserve in the Northeast would provide benefits to consumers in the Northeast and to the Nation;

(B) the Government would make a profit of $46,000,000 from drawing down and selling the distillate;

(C) consumer savings, including reductions in jet fuel, would total $425,000,000;

(D) there are a number of commercial petroleum storage facilities with available capacity for leasing in the New York/New Jersey area; and

(E) it would be cost-effective to keep a Government stockpile of approximately 2,000,000 barrels in leased storage in the Northeast, filled by trading some crude oil from the Government's strategic reserve of oil for the refined product.

SEC. 3. AUTHORIZATION OF HEATING OIL RESERVE.

(a) CREATION OF RESERVE.—The Secretary of Energy shall immediately create a heating oil reserve consisting of—

(1) 2,000,000 barrels of heating oil in leased storage facilities in the New York Harbor area; and

(2) 4,700,000 barrels of heating oil in 1 of the 4 Strategic Petroleum Reserve caverns on the coast of the Gulf of Mexico.

(b) EXCHANGE FOR CRUDE OIL.—The Secretary of Energy may acquire heating oil for the reserve by trading crude oil from the Strategic Petroleum Reserve for heating oil.

SEC. 4. DRAWDOWN OF HEATING OIL RESERVE.

The President may immediately draw down the Heating Oil Reserve—

(1) when fuel oil prices in the United States rise sharply because of anticompetitive activity;

(2) during a fuel oil shortage; or

(3) during a period of extreme winter weather.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary of Energy to carry out this Act $125,000,000 for the period of fiscal years 2000 through 2019.

[From DOE Fossil Energy Techline, July 13, 1998]

DOE SENDS REPORT TO CONGRESS ANALYZING COSTS, BENEFITS OF REGIONAL OIL PRODUCT RESERVE

A Department of Energy (DOE) report, commissioned two years ago when high prices and low stocks of heating oil raised consumer concerns, has concluded that a Government-controlled ''regional petroleum product reserve'' would make economic sense only under a very narrow set of conditions.

The report, which DOE forwarded to Congress late last week, concludes that the benefits of a Government stockpile of heating oil in the Northeast would exceed its costs only if the reserve was relatively small, approximately 2 million barrels, located in leased terminals, and filled by trading crude oil from the government's Strategic Petroleum Reserve for the distillate product.

Storing distillate product in dedicated salt caverns at the Strategic Petroleum Reserve along the Gulf of Mexico coastline would improve the cost-benefit characteristics, the study found, but products would take 7–10 days to reach consumers in the Northeast.

A larger product reserve, sized at around 6.7 million barrels to meet the worst weather contingencies, would not be attractive based on the cost-benefit analysis unless it was constructed entirely within the existing Strategic Petroleum Reserve sites.

Moreover, the study found, the positive economic benefits would be achieved only if the Government adopted the policy of releasing the entire volume of the product reserve at the point heating oil prices reached a predefined ''trigger price.'' A more conservative policy of releasing only enough crude oil to bring wholesale prices back down to a predefined ''ceiling price'' would not provide sufficient benefits to offset the reserve's costs.

The two-volume study is titled ''Report to Congress on the Feasibility of Establishing a Heating Oil Component to the Strategic Petroleum Reserve.'' The Energy Department undertook the study when in 1995–1996 an unusually long winter, uncertainties about production from Iraq and the Organization of Petroleum Exporting Countries (OPEC), and increased global demand for petroleum led to a gasoline price surge and later, a price increase in middle distillate fuels used for heating oil, diesel and jet fuel. Consumers in New England, which has no refineries, became especially concerned about heating oil inventory levels and the rise in heating oil prices.

The events of 1996 prompted several members of Congress from New England states to urge DOE to carry out a study to determine whether or not Government intervention in petroleum markets in the form of a regionally-cited refined product stockpile could be beneficial.

The Federal Government currently stores only crude oil for emergency purposes, principally to protect the United States from disruptions in petroleum supply, especially imported crude oil. The Strategic Petroleum Reserve currently stores 563 million barrels of crude oil along the Gulf Coast in four sites that are accessible to most refining centers in the country.

[From the Boston Globe, Feb. 6, 2000]

BUFFERING OIL PRICES

The surge in home heating and diesel oil prices has shocked householders, truckers, and others and sparked a fresh round of suspicions that massive collusion is responsible. Would that such cooperation existed. Instead, business anarchy has much to do with the rise. The attorney general's consumer protection division should seek to assure that there is no price gouging by individual dealers. In the meantime, prevention of future price spikes is available to government in a form that need not be intrusive. Oil prices spurted because inventories were inadequate. Public reserves are needed.

The impact has been severe. Oil deliveries costing $400 have been a shock for elderly homeowners living on fixed incomes. Even low-cost, emergency suppliers like Joseph Kennedy's Citizens Energy Corp. have been stymied by shortages and high prices.

The American Petroleum Institute keeps track of inventories of gasoline, oil, crude, and other petroleum products around the country. Among all these, heating oil is unique because demand for it is seasonal, peaking in the winter months.

While some extra stockpiling of oil by the private sector takes place every year, the tendency has been to cut reserves as close to the bone as possible. This past fall, despite indications that consumption was on the rise, inventories ran significantly below their year-earlier levels. At the end of December, inventories of distillate fuel oil (both diesel and heating) stood at 124 million barrels compared with 156 million barrels a year earlier. Both these figures run well below comparable statistics in the past, when inventories were frequently above 200 million barrels.

The federal government in the 1970s set up a strategic petroleum reserve of crude oil to dampen the power of OPEC, the international oil cartel. But it needs a similar reserve of distillate to help cope with domestic developments like this year's failure to stockpile adequate oil to cope with predictable seasonal surges, much less unpredictable cold snaps. The mere presence of such a reserve, available for rapid release, would dampen spot markets. To do less condemns everyone to senseless repeats of this painful experience.

Mr. LEAHY. Mr. President, I rise in support of the Home Heating Oil Price Stability Act being introduced today by Senator DODD. In response to Congressional concern raised over volatile heating oil prices, the Department of Energy completed a study of regional oil reserves and issued their report in 1998. This report concluded that regional heating oil reserves, such as the one proposed in this bill, would benefit New England and help guard against the negative effects of volatile fuel prices during the winter months.

The recent price spike in home heating fuel throughout the Northeast and mid-Atlantic regions illustrate the need for a regional fuel reserve. Prices of home heating fuel have increased over the last month to unprecedented levels, putting many families and businesses at risk during these cold winter months. Many areas of New England are now facing fuel costs between $1.70 and $2.00 per gallon—nearly double last January's average price of .80 cents per gallon. Home heating fuel has not seen average prices over $1 dollar in nearly ten years. These prices are endangering the welfare of low income Vermonters and threatening the stability of our economy.

This is not the first time we have seen such volatile prices in New England and will certainly not be the last. I remember Vermont in December 1989, when we experienced the coldest temperatures the Northeast has seen in 100 years, and then again in 1993 when the mercury plummeted and the fuel bills rose. Mr. President we need a regional home heating fuel reserve to protect the welfare and the economy of states such as Vermont. The cold winters and the absence of refiners make New England susceptible to fluctuations in the market which leave other parts of the country virtually untouched.

By Mr. HATCH (for himself and Mr. BENNETT):

S. 2048. A bill to establish the San Rafael Western Legacy District in the State of Utah, and for other purposes; to the Committee on Energy and Natural Resources.

SAN RAFAEL WESTERN LEGACY DISTRICT AND NATIONAL CONSERVATION ACT

Mr. HATCH. Mr. President, I rise today to introduce the San Rafael Western Legacy District and National Conservation Act. I am proud to sponsor this legislation which is a result of local citizens working together with federal land managers to produce a plan that promotes and protects one of our nation's finest natural treasures, the San Rafael Swell in Emery County, Utah.

This is by no means a standard one-size-fits-all land management scheme. It reflects both local and national interests. I wish to congratulate the elected officials of Emery County, Secretary of Interior Bruce Babbitt, local citizen groups, and local Bureau of Land Management professionals for their willingness to come to the table and craft this proposal. It is a testament to what I have always believed: that those who live on and around our public lands love the land and, given the chance, will find ways to help protect it. I hope that this effort to work out solutions to land issues with meaningful local input will become the norm for federal land policy.

Mr. President, under this legislation, 2.8 million acres will be designated as the San Rafael Western Legacy District. Visitors to the San Rafael will be able to see where Kit Carson, Chief Walker, Wesley Powell, Butch Cassidy and many others became famous, or infamous as the case may be. Backpackers and day hikers will be surprised by petroglyphs that tell stories of Native American ancestors and that give a picture of life as it once was. Families will enjoy access to one of the largest sources of fossils in the New World. They will also enjoy a variety of quality museums that already exist in the area which take us back in time, whether it be the time of dinosaurs, Native Americans, pioneers and the wild west, early explorers, or even the early atomic arms race.

A the core of this Western Legacy District will be the San Rafael National Conservation Area, which will withdraw approximately 1 million acres from development. Mr. President, Congress cannot create spectacular geologic formations, such as the San Rafael Swell, but this legislation will protect what God has given us. The San Rafael Swell is vast and can accommodate all types of experiences including wilderness, wildlife viewing, fishing, mountain biking, and other activities. The specifics for these uses will be detailed in a forty year planning process led by the Secretary of Interior.

Mr. President, I am very pleased to introduce this legislation along with my good friend and colleague Senator ROBERT BENNETT. A companion measure in the House is sponsored by Representative CHRIS CANNON.

The San Rafael Swell is an area rich in history, beauty, culture, and tradition. This legislation protects the San Rafael for all citizens in a manner that reflects the needs of those directly affected by its bounties. I urge my colleagues to support this legislation.

I ask unanimous consent for the text of the fill to be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD as follows:

S. 2048

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''San Rafael Western Legacy District and National Conservation Act''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to promote—

(A) the preservation, conservation, interpretation, scientific research, and development of the historical, cultural, natural, recreational, archaeological, paleontological, environmental, biological, educational, wilderness, and scenic resources of the San Rafael region of the State of Utah; and

(B) the economic viability of rural communities in the San Rafael region; and

(2) to conserve, protect, and enhance for the benefit and enjoyment of present and future generations of people the unique and nationally important values of the Western Legacy District and the public land described in section 201(b) (including historical, cultural, natural, recreational, scientific, archaeological, paleontological, environmental, biological, wilderness, wildlife, educational, and scenic resources).

SEC. 3. DEFINITIONS.

In this Act:

(1) CONSERVATION AREA.—The term ''Conservation Area'' means the San Rafael National Conservation Area established by section 201(a).

(2) LEGACY COUNCIL.—The term ''Legacy Council'' means the council established under section 101(d).

(3) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the Conservation Area required to be developed under section 202(e).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(5) WESTERN LEGACY DISTRICT.—The term ''Western Legacy District'' means the San Rafael Western Legacy District established by section 101(a).

TITLE I—SAN RAFAEL WESTERN LEGACY DISTRICT

SEC. 101. ESTABLISHMENT OF THE SAN RAFAEL WESTERN LEGACY DISTRICT.

(a) IN GENERAL.—There is established the San Rafael Western Legacy District.

(b) AREAS INCLUDED.—The Western Legacy District shall consist of approximately 2,842,800 acres of land in the Emery County, Utah, as generally depicted on the map entitled ''San Rafael Swell Western Legacy District and National Conservation Area'' and dated _____.

(c) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to Congress a map and legal description of the Western Legacy District.

(2) EFFECT.—The map and legal description shall have the same effect as if included in this Act, except that the Secretary may correct errors in the map and legal description.

(3) COPIES.—Copies of the map and legal description shall be on file and available for public inspection in—

(A) the Office of the Director of the Bureau of Land Management; and

(B) the appropriate office of the Bureau of the Land Management in the State of Utah.

(d) LEGACY COUNCIL.—

(1) ESTABLISHMENT.—The Secretary shall establish a Legacy Council to advise the Secretary with respect to the Western Legacy District.

(2) FUNCTION.—The Legacy Council may furnish advice and recommendations to the Secretary with respect to management, grants, projects, and technical assistance.

(3) MEMBERSHIP.—The Legacy Council shall consist of not more than 10 members appointed by the Secretary as follows:

(A) 2 members from among the recommendations submitted by the Governor of the State of Utah.

(B) 2 members from among the recommendations submitted by the Emery County, Utah, Commissioners.

(C) The remaining members from among persons who are recognized as experts in conservation of the historical, cultural, natural, recreational, archaeological, environmental, biological, educational, and scenic resources or other disciplines directly related to the purposes for which the Western Legacy District is established.

(4) RELATIONSHIP TO OTHER LAW.—The establishment and operation of the Legacy Council shall conform to the requirements of—

(A) the Federal Advisory Committee Act (5 U.S.C. App.); and

(B) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(e) ASSISTANCE.—

(1) IN GENERAL.—To carry out this section, the Secretary may make grants and provide technical assistance to any nonprofit organization or unit of government with authority in the boundaries of the Western Legacy District.

(2) PERMITTED USES.—Grants and technical assistance under this section may be used for—

(A) planning;

(B) reports;

(C) studies;

(D) interpretive exhibits;

(E) historic preservation projects;

(F) construction of cultural, recreational, educational, and interpretive facilities that are open to the public; and

(G) such other expenditures as are consistent with this Act.

(3) PLANNING.—Grants and technical assistance for use in planning activities may be provided under this subsection only to a unit of government or a political subdivision of the State of Utah in an amount—

(A) not to exceed $100,000 for any fiscal year; and

(B) not to exceed an aggregate amount of $200,000.

(4) MATCHING FUNDS.—Federal funding provided under this section may not exceed 50 percent of the total cost of the activity carried out with the funding, except that non-Federal matching funds are not required with respect to—

(A) planning activities carried out with assistance under paragraph (3); or

(B) use of assistance under this section for facilities located on public land and owned by the Federal Government.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section not more than $1,000,000 for each fiscal year, not to exceed a total of $10,000,000.

SEC. 102. MANAGEMENT AND USE OF THE WESTERN LEGACY DISTRICT.

(a) IN GENERAL.—The Secretary shall administer the public land within the Western Legacy District in accordance with—

(1) this Act; and

(2) the applicable provisions of the Federal Land Policy and Management Act (43 U.S.C. 1701 et seq.).

(b) USE OF PUBLIC LAND.—The Secretary shall allow such uses of the public land as the Secretary determines will further the purposes for which the Western Legacy District is established.

(c) EFFECT OF ACT.—Nothing in this Act—

(1) affects the jurisdiction or responsibilities of the State of Utah with respect to fish and wildlife in the Western Legacy District;

(2) affects private property rights within the Western Legacy District; or

(3) diminishes the authority, rights, or responsibilities of the Secretary for managing the public land within the Western Legacy District.

TITLE II—SAN RAFAEL NATIONAL CONSERVATION AREA

SEC. 201. DESIGNATION OF THE SAN RAFAEL NATIONAL CONSERVATION AREA.

(a) PURPOSES.—There is established the San Rafael National Conservation Area in the State of Utah.

(b) AREAS INCLUDED.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Conservation Area shall consist of approximately 947,000 acres of public land in Emery County, Utah, as generally depicted on the map entitled ''San Rafael Swell Western Legacy District and National Conservation Area'' and dated _____.

(2) BOUNDARY.—The boundary of the Conservation Area shall be set back 300 feet from the edge of the Interstate Route 70 right-of-way.

(c) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to Congress a map and legal description of the Conservation Area.

(2) EFFECT.—The map and legal description shall have the same effect as if included in this Act, except that the Secretary may correct errors in the map and legal description.

(3) COPIES.—Copies of the map and legal description shall be on file and available for public inspection in—

(A) the Office of the Director of the Bureau of Land Management; and

(B) the appropriate office of the Bureau of Land Management in the State of Utah.

SEC. 202. MANAGEMENT OF THE CONSERVATION AREA.

(a) MANAGEMENT.—The Secretary shall manage the Conservation Area in a manner that—

(1) conserves, protects, and enhances the resources and values of the Conservation Area, including the resources and values specified in section 2(2); and

(2) is consistent with—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(B) other applicable provisions of law (including this Act).

(b) USES.—

(1) IN GENERAL.—The Secretary shall allow only such uses of the Conservation Area as the Secretary finds will further the purposes for which the Conservation Area was established.

(2) MOTORIZED VEHICLES.—Except where needed for administrative purposes or to respond to an emergency, use of motorized vehicles in the Conservation Area shall be permitted only on roads and trails designated for use of motorized vehicles as part of the management plan.

(c) WITHDRAWALS.—

(1) IN GENERAL.—Subject to valid existing rights and except as provided in paragraph (2), all Federal land within the Conservation Area and all land and interests in land that are acquired by the United States after the date of enactment of this Act are withdrawn from—

(A) all forms of entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) operation of the mineral leasing and geothermal leasing laws.

(2) COMMUNICATION FACILITIES.—

(A) IN GENERAL.—The Secretary may authorize the installation of communication facilities within the Conservation Area only to the extent that the facilities are necessary for public safety purposes.

(B) MINIMAL IMPACT.—Communication facilities shall—

(i) have a minimal impact on the resources of the Conservation Area; and

(ii) be consistent with the management plan.

(d) HUNTING, TRAPPING, AND FISHING.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall permit hunting, trapping, and fishing within the Conservation Area in accordance with applicable laws (including regulations) of the United States and the State of Utah.

(2) REGULATIONS.—The Secretary, after consultation with the Utah Division of Wildlife Resources, may promulgate regulations designating zones where and establishing periods when no hunting, trapping, or fishing shall be permitted in the Conservation Area for reasons of public safety, administration, or public use and enjoyment.

(e) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 4 years after the date of enactment of this Act, the Secretary shall develop a comprehensive plan for the long-range protection and management of the Conservation Area.

(2) CONTENTS.—The management plan—

(A) shall describe the appropriate uses and management of the Conservation Area consistent with this Act; and

(B) may—

(i) incorporate appropriate decisions contained in any management or activity plan for the area; and

(ii) use information developed in previous studies of the land within or adjacent to the Conservation Area.

(f) STATE TRUST LANDS.—The State of Utah and the Secretary may exchange Federal land, Federal mineral interests, or payment of money for land and mineral interests of approximately equal value that are managed by the Utah School and Institutional Trust Lands Administration within the Conservation Area.

(g) ACCESS.—The Secretary, the State of Utah, and Emery County, Utah, may agree to resolve section 2477 of the Revised Statutes and other access issues within the Conservation Area.

(h) WILDLIFE MANAGEMENT.—Nothing in this Act diminishes the responsibility and authority of the State of Utah for management of fish and wildlife within the Conservation Area.

(i) GRAZING.—Where the Secretary permits livestock grazing on the date of enactment of this Act, such grazing shall be allowed subject to all applicable laws (including regulations) and executive orders.

(j) NO BUFFER ZONES.—

(1) IN GENERAL.—Congress does not intend for the establishment of the Conservation Area to lead to the creation of protective perimeters or buffer zones around the Conservation Area.

(2) ACTIVITIES OUTSIDE CONSERVATION AREA.—That there may be activities or uses of land outside the Conservation Area that would not be permitted in the Conservation Area shall not preclude such activities or uses on the land up to the boundary of the Conservation Area (or on private land within the Conservation Area) consistent with other applicable laws.

(k) WATER RIGHTS.—

(1) IN GENERAL.—The establishment of the Conservation Area shall not constitute any implied or express reservation of any water or water right pertaining to surface or ground water.

(2) STATE RIGHTS.—Nothing in this Act affects—

(A) any valid existing surface water or ground water right in effect on the date of enactment of this Act; or

(B) any water right approved after the date of enactment of this Act under the laws of the State of Utah or any other State.

(l) NO EFFECT ON APPLICATION OF OTHER ACTS.—

(1) IN GENERAL.—Nothing in this Act affects the application of any provision of the Wilderness Act (16 U.S.C. 1131) or the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) to wilderness resources in the Conservation Area.

(2) ISSUE RESOLUTION.—Recognizing that the designation of a wilderness area for inclusion in the National Wilderness Preservation System requires an Act of Congress, the Secretary, the State of Utah, Emery County, Utah, and affected stakeholders may work toward resolving wilderness issues within the Conservation Area.

By Mr. BIDEN:

S. 2049. A bill to extend the authorization for the Violent Crime Reduction Trust Fund; to the Committee on the Judiciary.

RE-AUTHORIZATION OF THE VIOLENT CRIME REDUCTION TRUST FUND

Mr. BIDEN. Mr. President, today, I introduce a bill which will re-authorize the Violent Crime Reduction Trust Fund for an additional five years.

I firmly believe that re-authorization of the Violent Crime Reduction Trust Fund for another five years is the single most significant thing that we can do to continue the war on crime.

In 1994 when we introduced the Biden Crime Bill, which eventually became the crime bill of 1994, some people disagreed with certain aspects of the bill. But, we all agreed that crime control is a place where the federal government can and should play a key role.

We can all argue about how much we should be involved in education or welfare, but no one can argue about the requirement of the government to make our streets safe. That is the starting point for all ordered society.

So, I, along with the Senior Senator from Texas, Mr. GRAMM, and the Senior Senator from West Virginia, Mr. BYRD, worked to set up a Violent Crime Reduction Trust Fund. The way we did that was not to raise taxes—it was to cut the size of the federal government and use the money to fight crime. And so we agreed to let 250,000 Federal employees go. Then we took the paycheck that would have been used to pay John Jones and Sue Smith and we put it into a trust fund to do nothing but deal with violent crime in America. And guess what—it worked.

Since the Fund was established in the Biden Crime Bill, The Office of Management and Budget tells us that Congress had appropriated $16,648,000,000 from the fund through 1998, and $10,300,000,000 was estimated for 1999 and 2000 combined.

What has this money done you ask? Just look at the numbers: To date, the money has funded more than 103,000 police officers under the COPS program to make our streets safer.

As of 1999, over 17,000 new prison, jail or alternative beds had been added under the Violent Offender Incarceration/Truth-in-Sentencing Grants Program.

Under the drug court program nationwide, more than 140,000 offenders have participated in drug courts, receiving the supervision and treatment they need to stop abusing drugs and committing crimes.

Under the National Criminal History Improvement Program, enhancements to the FBI's National Criminal History Background Check System have helped block more than 400,000 gun sales to ineligible persons. And, program improvements now allow 35 states and the District of Columbia to submit data to the FBI's National Sex Offender Registry, which became operational in July 1999.

The fund has provided money to states and localities to help offset the costs of incarcerating criminal illegal aliens under the State Criminal Alien Assistance Program.

Under the Residential Substance Abuse Treatment for State Prisoners program, all 50 states, the District of Columbia, and the five territories, have implemented drug testing and treatment programs that address 80 percent of offenders who have drug or alcohol problems.

Through the largest Violence Against Women Act program, funding for the STOP Violence Against Women Formula Grants Program is changing the way communities work together to respond to domestic violence, sexual assault, and stalking.

And there are other Violence Against Women Act grant programs which have had an impact on many communities. The Grants to Encourage Arrest Policies program encourages jurisdictions to implement mandatory or pro-arrest policies in domestic violence cases. The Rural Domestic Violence and Child Victimization Enforcement Grant Program has recognized the special needs of victims in rural locations. The Civil Legal Assistance Grant Program is designed to strengthen civil legal assistance for domestic abuse victims through innovative, collaborative programs that increase victim access to services. And, the Grants to Combat Violent Crimes Against Women on Campuses Program was first funded in FY 1999 to promote comprehensive, coordinated responses to violent crimes against women on campuses.

The results of these efforts have taken hold. Crime is down—way down. And we didn't add 1 cent to the deficit.

The significance of the Trust Fund, why it was so important, is because it funds the initiatives contained in the Biden Crime Bill. The money has to be used for new cops and crime prevention. It can't be spent on anything else but crime reduction. It is the one place that no one can compete. it is set

aside. It is a savings account to fight crime.

This fund works. It ensures that the crime reduction programs that we pass be funded. It ensures that the crime rate will continue to go down instead of up. It ensures that our kids will have a place to go after school instead of hanging out on the street corners. It ensures that violent crimes against women get the individualized attention that they need and deserve. It gives states money to hire more cops and get better technology.

Today our challenge is to keep our focus and to stay vigilant against violent crime. This is one modest step toward meeting that challenge.

This Act shares bipartisan support. No one wants crime and no one wants to raise taxes. Republicans, Democrats, and Independents alike—this should be an easy one for all of us. In July of last year, during debate on the Commerce, Justice, State appropriations bill, my friend from New Hampshire, Senator GREGG, declared his commitment to get the Violent Crime Reduction Trust Fund re-authorized. Senator GRAMM has always stepped up to the plate on this issue as well, and I commend them for their commitment to this program. As Senator BYRD aptly stated back in 1994 when we were first debating this, ''the war on crime is of such an overriding concern that, as in the past, the Committee on Appropriations must take extraordinary actions to confront the issue.'' That still rings true today. Although crime is down, we can not become complacent. We must continue the fight. We need this Violent Crime Reduction Trust Fund more than any other single piece of legislation.

Every member of the Senate is against violent crime—we all say it in speech after speech. Now, I urge all my colleagues to back up their words and follow through on their commitments to defeat violent crime. Pass this bill. Continue the Violent Crime Reduction Trust Fund. Take serious action against violent crime. Show the criminals that we are serious about fighting crime. Show the American people that their safety is of the highest priority for us and that we are taking action.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2049

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF VIOLENT CRIME REDUCTION TRUST FUND.

(a) IN GENERAL.—Section 310001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) is amended by striking paragraphs (1) through (5) and inserting the following:

''(1) for fiscal year 2001, $6,025,000,000;
''(2) for fiscal year 2002, $6,169,000,000;
''(3) for fiscal year 2003, $6,316,000,000;
''(4) for fiscal year 2004, $6,458,000,000; and
''(5) for fiscal year 2005, $6,616,000,000.''.

(b) DISCRETIONARY LIMITS.—Title XXXI of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211 et seq.) is amended by inserting after section 310001 the following:

''SEC. 310002. DISCRETIONARY LIMITS.

''For the purposes of allocations made for the discretionary category pursuant to section 302(a) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)), the term 'discretionary spending limit' means—

''(1) with respect to fiscal year 2001—

''(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

''(B) for the violent crime reduction category: $6,025,000,000 in new budget authority and $5,718,000,000 in outlays;

''(2) with respect to fiscal year 2002—

''(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

''(B) for the violent crime reduction category: $6,169,000,000 in new budget authority and $6,020,000,000 in outlays;

''(3) with respect to fiscal year 2003—

''(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

''(B) for the violent crime reduction category: $6,316,000,000 in new budget authority and $6,161,000,000 in outlays;

''(4) with respect to fiscal year 2004—

''(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

''(B) for the violent crime reduction category: $6,459,000,000 in new budget authority and $6,303,000,000 in outlays; and

''(5) with respect to fiscal year 2005—

''(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

''(B) for the violent crime reduction category: $6,616,000 in new budget authority and $6,452,000,000 in outlays;

as adjusted in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)) and section 314 of the Congressional Budget Act of 1974.''.

By Mr. REID (for himself, Mr. BRYAN, Mr. TORRICELLI, and Mr. BAUCUS):

S. 2050. A bill to establish a panel to investigate illegal gambling on college sports and to recommend effective countermeasures to combat this serious national problem; to the Committee on the Judiciary.

COMBATTING ILLEGAL COLLEGE AND UNIVERSITY GAMBLING ACT

Mr. REID. Mr. President, six years ago we passed a crime bill which, while controversial at the time, has led to an unprecedented decrease in criminal activity. It was a tough bill that was aimed at cracking down on illegal criminal activity. It gave law enforcement the tools it needed to prevent and crack down on criminal conduct. The legislation has been so effective that I believe it should be the model for future federal anti-crime initiatives. At the time, however, supporters of the Crime Bill were attacked for focusing on the root causes of criminal activity. Today, as evidenced by declining crime rates, we see that this was an effective approach.

I raise this issue today because I am concerned that some may be moving in the wrong direction in the worthwhile effort to crack down on illegal gambling on college sports. Recently introduced legislation attempts to crack down on dorm room and bar hall bookies by shutting down legal and highly-regulated sports book operations in Nevada. Mr. President, this is like closing the Bank of America to eliminate loan sharking. It simply does not solve the problem.

Mr. President, the collegiate gambling legislation recently introduced in the Senate is flawed because it incorrectly assumes that the elimination of legal sports book wagering in Nevada will mean the end of illegal wagering on college sports. The National Collegiate Athletic Association (NCAA) is on record stating that there is an illegal bookie on every college campus. ''Sports Illustrated'' ran a series in 1995, stating that ''gambling is the dirty little secret on college campuses, where it's rampant and prospering,'' and that ''the bookies catering to most college gamblers are fellow students.'' Banning legal college sports gambling in Nevada, where it is controlled and heavily regulated, is not going to put these bookies out of business. Just as the Twenty-First Amendment did not stop the illegal consumption of alcohol, but rather, drove it underground, banning regulated, legal college sports wagering in Nevada is simply not going to end illegal college sports gambling.

Mr. President, illegal gambling on college sports is a very serious problem, and I commend my colleagues for their willingness to address this issue. The problem with gambling on collegiate sporting events, however, does not rest with what is legal, but rather, with what is illegal. While there are currently numerous state laws that prohibit gambling on college sports, illegal practices still occur and there is little, if anything, that is being done to address or understand the problem. A recent NCAA report noted that there are no comprehensive studies available that analyze the prevalence of illegal gambling on college sports. Furthermore, the report found that ''the issue of illegal gambling on college sports is still largely overlooked by college administrators.''

Mr. President, to respond to this very serious problem, I rise today, along with Senators BAUCUS, TORRICELLI, and BRYAN, to introduce alternative legislation that would examine the root causes of illegal gambling on college sports. My legislation addresses several

key aspects of the problem of illegal gambling on collegiate sporting events, namely, what is being done by federal and state officials to enforce existing laws, whether law enforcement has the proper tools and adequate funding to address illegal gambling on college sports, and, what colleges and universities are doing to address the problem of illegal gambling, especially on their own campuses. The legislation I am introducing today would follow the recommendations of the NCAA report by directing the Justice Department to examine these issues and report back to the Congress.

Mr. President, the growing attraction of illegal gambling among our college youth is a serious national problem that requires a serious response. We must have a solution to this problem, however, that accurately addressed the source of illegal college sports gambling. The alternative legislation I am introducing today, which focuses on stronger enforcement of existing laws and education campaigns, follows the correct path toward addressing the root causes of this problem and finding the most effective and appropriate solution.

ADDITIONAL COSPONSORS

S. 512

At the request of Mr. GORTON, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 512, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the Department of Health and Human Services with respect to research on autism.

S. 546

At the request of Mr. DORGAN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 546, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals.

S. 1159

At the request of Mr. STEVENS, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 1159, a bill to provide grants and contracts to local educational agencies to initiate, expand, and improve physical education programs for all kindergarten through 12th grade students.

S. 1341

At the request of Mr. DORGAN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1341, a bill to amend the Internal Revenue Code of 1986 to expand the applicability of section 179 which permits the expensing of certain depreciable assets.

S. 1619

At the request of Mr. DEWINE, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1619, a bill to amend the Trade Act of 1974 to provide for periodic revision of retaliation lists or other remedial action implemented under section 306 of such Act.

S. 1883

At the request of Mr. BINGAMAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1883, a bill to amend title 5, United States Code, to eliminate an inequity on the applicability of early retirement eligibility requirements to military reserve technicians.

S. 1900

At the request of Mr. LAUTENBERG, the names of the Senator from Nevada (Mr. BRYAN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1900, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued by Amtrak, and for other purposes.

S. 1921

At the request of Mr. CAMPBELL, the names of the Senator from New Mexico (Mr. BINGAMAN), and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 1921, a bill to authorize the placement within the site of the Vietnam Veterans Memorial of a plaque to honor Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service.

S. 2004

At the request of Mrs. MURRAY, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2004, a bill to amend title 49 of the United States Code to expand State authority with respect to pipeline safety, to establish new Federal requirements to improve pipeline safety, to authorize appropriations under chapter 601 of that title for fiscal years 2001 through 2005, and for other purposes.

S. 2005

At the request of Mr. BURNS, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from Idaho (Mr. CRAIG), the Senator from Oregon (Mr. SMITH), the Senator from Indiana (Mr. LUGAR), the Senator from Alabama (Mr. SESSIONS), and the Senator from Wyoming (Mr. THOMAS) were added as cosponsors of S. 2005, a bill to repeal the modification of the installment method.

S. 2021

At the request of Mr. BROWNBACK, the name of the Senator from Texas (Mr. GRAMM) was added as a cosponsor of S. 2021, a bill to prohibit high school and college sports gambling in all States including States where such gambling was permitted prior to 1991.

S. 2035

At the request of Mr. SPECTER, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 2035, a bill to amend title 49, United States Code, to clarify the application of the Act popularly known as the ''Death on the High Seas Act'' to aviation incidents.

S. CON. RES. 69

At the request of Ms. SNOWE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. Con. Res. 69, a concurrent resolution requesting that the United States Postal Service issue a commemorative postal stamp honoring the 200th anniversary of the naval shipyard system.

S. CON. RES. 76

At the request of Mr. LEAHY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. Con. Res. 76, a concurrent resolution expressing the sense of Congress regarding a peaceful resolution of the conflict in the state of Chiapas, Mexico and for other purposes.

S.J. RES. 3

At the request of Mr. KYL, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S.J. Res. 3, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

S.J. RES. 39

At the request of Mr. CAMPBELL, the names of the Senator from Virginia (Mr. ROBB), the Senator from Alabama (Mr. SHELBY), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Massachusetts (Mr. KERRY), and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S.J. Res. 39, a joint resolution recognizing the 50th anniversary of the Korean War and the service by members of the Armed Forces during such war, and for other purposes.

S. RES. 60

At the request of Mr. MACK, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. Res. 60, a resolution recognizing the plight of the Tibetan people on the fortieth anniversary of Tibet's attempt to restore its independence and calling for serious negotiations between China and the Dalai Lama to achieve a peaceful solution to the situation in Tibet.

S. RES. 251

At the request of Mr. SPECTER, the names of the Senator from New Hampshire (Mr. GREGG), the Senator from Mississippi (Mr. COCHRAN), and the Senator from New Hampshire (Mr. SMITH) were added as cosponsors of S. Res. 251, a resolution designating March 25, 2000, as ''Greek Independence Day: A National Day of Celebration of Greek and American Democracy.''

SENATE RESOLUTION 255—RECOGNIZING AND HONORING BOB COLLINS, AND EXPRESSING THE CONDOLENCES OF THE SENATE TO HIS FAMILY ON HIS DEATH

Mr. DURBIN (for himself and Mr. FITZGERALD) submitted the following resolution; which was considered and agreed to:

S. RES. 255

Whereas Bob Collins began his radio career at age 13 by running errands for a station in Lakeland, Florida, and had his own radio show by age 14;

Whereas Bob Collins has been involved with Radio WGN 720 AM since 1974;

Whereas when faced with the challenge of replacing the legendary Wally Phillips in 1986, Bob Collins became Chicago's most popular radio personality;

Whereas Bob Collins hosted a radio show on WGN 720 AM since 1986 in the 5 to 9 a.m. slot, Monday through Friday;

Whereas Bob Collins' show was enjoyed by more than 600,000 listeners each week, was the only show in Chicago to have a double-digit share of the Chicago audience, and had more than twice the number of listeners as his closest competitor;

Whereas Bob Collins entertained Chicagoland listeners with his contagious laugh, unique wit, and personal perspective on public affairs;

Whereas Bob Collins received numerous recognitions for his accomplishments at WGN 720 AM, including 4 consecutive Marconi nominations, Billboard Magazine's ''Personality of the Year,'' the Chicago Sun-Times' ''Personality of the Year,'' an Illinois News Broadcasters' Association award for on-the-spot news coverage, and the 1999 AIR Award for Best Morning Show on a News, Talk, Personality, or Sports Station;

Whereas Bob Collins worked tirelessly for charitable causes throughout Chicago, and was honored with the Salvation Army's Man of the Year Award, known as ''The Other Award'';

Whereas Bob Collins died tragically in a plane crash on February 8, 2000, at the age of 57; and

Whereas Bob Collins, known as ''Uncle Bobby,'' will be sorely missed by Chicagoans: Now, therefore, be it

Resolved, That the Senate—

(1) hereby recognizes and honors Bob Collins for—

(A) his work as Chicago's most respected radio personality; and

(B) his philanthropic endeavors throughout Chicago; and

(2) sends its deepest condolences to his wife, Christine, and to his mother and father.

AMENDMENTS SUBMITTED

THE NUCLEAR WASTE POLICY AMENDMENTS ACT OF 2000

HOLLINGS AMENDMENT NO. 2817

(Ordered to lie on the table.)

Mr. HOLLINGS submitted an amendment intended to be proposed by him to amendment No. 2809 submitted by Mr. WYDEN to the bill (S. 1287) to provide for the storage of spent nuclear fuel pending completion of the nuclear waste repository, and for other purposes; as follows:

Strike all after the word ''section'' and insert the following:

107. LIMITATION ON USE OF THE HANFORD NUCLEAR RESERVATION AND THE SAVANNAH RIVER SITE FOR WASTE STORAGE OR DISPOSAL.

Notwithstanding any other provisions of law, the Hanford Nuclear Reservation in the State of Washington or the Savannah River Site located in the State of South Carolina shall not be used for storage or disposal of—

(1) spent nuclear fuel or high-level radioactive waste from any civilian nuclear power reactor; or

(2) any spent nuclear fuel or high-level nuclear waste generated by or in connection with operation of the Fast Flux Test Facility, except for fuel or waste generated solely and directly from production of isotopes for medical diagnosis or treatment.

HOLLINGS AMENDMENT NO. 2818

(Ordered to lie on the table.)

Mr. HOLLINGS submitted an amendment intended to be proposed by him to amendment No. 2813 submitted by Mr. MURKOWSKI to the bill, S. 1287, supra; as follows:

After Sec. 102., insert the following:

(3) PROHIBITION.—The Secretary of Energy may not permit the use of the Savannah River Site as a location for backup storage of commercial nuclear waste.

CONRAD AMENDMENT NO. 2819

(Ordered to lie on the table.)

Mr. CONRAD submitted an amendment intended to be proposed by him to amendment No. 2813 submitted by Mr. MURKOWSKI to the bill, S. 1287, supra; as follows:

On page 26, line 20 of the amendment, strike ''Minnesota'' and insert ''Minnesota, North Dakota, South Dakota, Wisconsin, and Michigan.''

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry, be allowed to meet during the session of the Senate on Wednesday, February 9, 2000. The purpose of this meeting will be to discuss Federal dairy policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, February 9, 2000, to conduct a hearing on ''Loan Guarantees and Rural Television Service.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, February 9, at 10:30 a.m., to conduct a business meeting to consider pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, February 9, 2000, at 10:30 am to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate Committee on Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, February 9, 2000 at 10 a.m., for a hearing regarding the Rising Cost of College Tuition and the Effectiveness of Government Financial Aid.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, February 9, 2000 at 2 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSUMER AFFAIRS

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Consumer Affairs Subcommittee of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, February 9, 2000, at 10:30 a.m. on reauthorization of the Federal Trade Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL SECURITY, PROLIFERATION, AND FEDERAL SERVICE

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate Governmental Affairs Subcommittee on International Security, Proliferation, and Federal Services be authorized to meet during the session of the Senate on Wednesday, February 9, 2000 at 2 p.m. for a hearing on the National Intelligence Estimate on the Ballistic Missile Threat to the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. CRAIG. Mr. President, I ask unanimous consent Kristine Svinicki of my staff, a congressional fellow in my office, be allowed access to the floor for the duration of the debate on S. 1287.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO LIEUTENANT COMMANDER JOHN S. JENKINS, JR., JAGC, USN

● Mr. WARNER. Mr. President, I rise today to recognize and honor Lieutenant Commander John S. Jenkins, Jr., Judge Advocate General's Corps, United States Navy, as he departs the Office of Legislative Affairs and active duty service.

A native of Virginia, Lieutenant Commander Jenkins was commissioned an Ensign through the Naval ROTC Program upon graduation from the University of Virginia in 1987.

Serving initially as a Surface Warfare Officer, Lieutenant Commander

Jenkins performed in a consistently outstanding manner under the most challenging of circumstances during his first sea tour aboard U.S.S. *Carr* (FFG 52) where he was assigned as the Combat Information Center Officer. In 1988, U.S.S. *Carr* acted, with substantial contributions from Lieutenant Commander Jenkins, as the On-Scene Commander during the rescue of 89 U.S. sailors from U.S.S. *Bonefish* as a result of a fire on board that submarine. The following year, U.S.S. *Carr* distinguished itself during Operation Earnest Will escorting of U.S flagged tankers during the Iran-Iraq War. Lieutenant Commander Jenkins served as one of the ship's two Tactical Action Officers responsible for defending his own ship and the escorted vessels during this crucial demonstration of U.S. resolve in the Persian Gulf. In 1991, as a result of his distinguished record of achievement, he was selected from among his peers in an intensely competitive process for the Navy's funded Law Education Program. He began law studies at The George Washington University Law School that fall and graduated with high honors in 1994, receiving the Charles Glover Award for the highest grade point average as a third-year student. Upon graduation, Lieutenant Commander Jenkins was assigned as a judge advocate to the Naval Legal Service Office, Norfolk, Virginia, were he served as Senior Defense Counsel and Trial Counsel in courts-martial at the Navy's largest and busiest legal service command.

Since April, 1997, Lieutenant Commander Jenkins has served as Legislative Counsel in the Navy's Office of Legislative Affairs. In this capacity he has been a major asset to the Department of the Navy and Congress. While relatively junior in rank, Lieutenant Command Jenkins' maturity, judgment, initiative and intelligence have made him a valued advisor to the very top echelons of the Navy and Congress on issues of great importance to our national security. His insight into the legislative process is respected and sought out by all levels of the chain of command. Lieutenant Commander Jenkins' dedicated service and his ability to effectively articulate the Navy's position to Members of Congress and their staffs have contributed directly and substantially to the Navy's future readiness and the success of its legislative initiatives.

Lieutenant Commander Jenkins' distinguished awards include the Meritorious Service Medal, the Navy Commendation Medal, and the Navy Achievement Medal with two gold stars in lieu of subsequent awards.

The Department of the Navy, Congress, and the American people have been served well by this dedicated naval officer. John Jenkins is a young man who knew he could make a difference and have an impact, and did. Those in this Congress who have had the opportunity to work with him will remember him warmly and will miss his constant energy and sincere commitment to the best interests of the Navy. We wish John, and his lovely wife Karen, our very best as he transitions to civilian law practice with one of Washington's most prestigious law firms and continued affiliation with the Navy through the Naval Reserve.●

REMEMBERING DERRICK THOMAS

● Mr. BOND. Mr. President, I rise today to express my sadness at the news of the passing of one of the finest defensive football players ever, Derrick Thomas.

Derrick Thomas had a stellar 11 year career, all of which was spent with the Kansas City Chiefs. Among his numerous NFL achievements are 9 Pro Bowl appearances, 119.5 sacks, 3 safeties, and 28 fumble recoveries; all of which are K.C. records. In 1990, Derrick had 20 sacks in one season, setting a K.C. single season record.

When Derrick was just 5 years old, his father was shot down over Vietnam on December 17, 1972. He was returning from a mission called ''Operation Linebacker Two.'' As you can imagine, this had a tremendous impact on young Derrick. Eighteen years later, Derrick was the most dominant linebacker in the National Football League. His most impressive performance came against the Seattle Seahawks when he made a NFL record 7 sacks in one game. As fate would have it, that game was on Veteran's Day.

Mr. President, while he certainly made an impact on the quarterbacks that played against him, he made a much larger impact in the lives of those he touched through his philanthropic efforts. During his career he received the League's two most prestigious humanitarian awards. In 1993 he was the youngest man to ever win the NFL Man of the Year and in 1995 he won the Byron ''Whizzer'' White Humanitarian Award for service to team, community and country. The Humanitarian Award is the most prestigious award given by the NFL Players Association.

In 1993 he delivered the keynote address at the Vietnam Veterans Memorial during the annual Memorial Day ceremony. By delivering the Keynote address, he joined the ranks of other great Americans such as Bob Hope and General Colin Powell. Derrick said addressing those who served with his father was one of his greatest honors.

By far, his greatest contribution was founding the Third and Long Foundation. The foundation's goal is to help inner-city children by ''sacking illiteracy.'' As part of the program, Derrick would read to children at local libraries each home Saturday during the season. President Bush designated Derrick as the 832nd point of light for his work with the foundation. Derrick said once that he didn't want to be remembered or rewarded for what he did in football, but that if he helped one child become a success, that is all he needed. Derrick has been and will continue to be a force in the lives of many children through the work of his foundation.

Derrick Thomas was truly a humanitarian, philanthropist and hero, not only to Kansas City, but to many around the country. His life was tragically cut short at the age of 33, but his influence will continue to make America better for the youth of this country for many years to come. Thank you, Derrick.●

TRIBUTE TO DR. HILARY KOPROWSKI

● Mr. SPECTER. Mr. President, on the 50th anniversary of Dr. Hilary Koprowski's feeding a child the very first dose of oral polio vaccine, I am pleased to offer this tribute so that America and the world can know more about this extraordinarily distinguished scientist. I have come to know Dr. Koprowski as a friend, a counselor and a constituent. The world owes Dr. Koprowski an enormous debt of gratitude for his scientific achievements as he will celebrate on February 27, 2000 the 50th anniversary of the first application of his oral polio vaccine.

Vaccination of children in the United States, and mass vaccination trials with oral vaccine in Africa and Poland, paved the way for the eradication of paralytic polio in the Americas since 1991 and, hopefully, the elimination of polio from the rest of the world this year. Prior to the discovery of the oral vaccine, polio, a crippling disease, claimed numerous victims throughout the world. In the period from 1951 through 1953, here in the United States, 26 cases of polio were recorded for every 100,000 people.

Dr. Hilary Koprowski is one of the most distinguished and respected biomedical researchers in the world recognized for his many achievements including the development of the first oral polio vaccine, in 1950, and the development of the genetically engineered oral rabies vaccine used all over the world. Dr. Koprowski pioneered the development of monoclonal antibodies for the detection and treatment of cancer. Dr. Koprowski continues his important work on gene-related vaccine using his wide scientific experience and profound scientific knowledge combined with strong organizational insight. Dr. Koprowski is the Director of the Biotechnology Foundation Laboratories and the Center for Neurovirology at Thomas Jefferson University and is Professor Laureate at the Wistar Institute. From 1957 to 1991, as Director, Dr. Koprowski led the Wistar Institute, where he is currently on the Board, to become one of the nation's leading biomedical research institutions with a staff of more than 600 people.

Dr. Koprowski is a member of the National Academy of Sciences, the American Academy of Arts and Sciences, the New York Academy of Sciences and twenty-eight other learned institutions. He is a recipient of more than

eighteen major awards, including the Order of the Lion, awarded by the King of Belgium, the Legion of Honor of France and the Nicolaus Copernicus Medal of the Polish Academy of Sciences. In 1990, he received the most prestigious honor of his home city, the Philadelphia Award. He is the author or co-author of more than 850 scientific papers.

In addition to his truly outstanding career in medicine, Dr. Koprowski holds degrees in Music from the Warsaw Conservatory as well as the Santa Cecilia Academy of Music in Rome. His compositions are published and are currently being played by various orchestras.

His biography, ''Listening to Music'', by Roger Voughan, was recently published by Springer-Verlag.●

HONORING BOB COLLINS

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 255, introduced earlier today by Senator DURBIN and Senator FITZGERALD.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 255) recognizing and honoring Bob Collins, and expressing the condolences of the Senate to his family on his death.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MURKOWSKI. I ask unanimous consent that the resolution and the preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 255) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 255

Whereas Bob Collins began his radio career at age 13 by running errands for a station in Lakeland, Florida, and had his own radio show by age 14;

Whereas Bob Collins has been involved with Radio WGN 720 AM since 1974;

Whereas when faced with the challenge of replacing the legendary Wally Phillips in 1986, Bob Collins became Chicago's most popular radio personality;

Whereas Bob Collins hosted a radio show on WON 720 AM since 1986 in the 5 to 9 a.m. slot, Monday through Friday;

Whereas Bob Collins' show was enjoyed by more than 600,000 listeners each week, was the only show in Chicago to have a double-digit share of the Chicago audience, and had more than twice the number of listeners as his closest competitor;

Whereas Bob Collins entertained Chicagoland listeners with his contagious laugh, unique wit, and personal perspective on public affairs;

Whereas Bob Collins received numerous recognitions for his accomplishments at WGN 720 AM, including 4 consecutive Marconi nominations, Billboard Magazine's ''Personality of the Year,'' the Chicago Sun-Times' ''Personality of the Year,'' an Illinois News Broadcasters' Association award for on-the-spot news coverage, and the 1999 AIR Award for Best Morning Show on a News, Talk, Personality, or Sports Station;

Whereas Bob Collins worked tirelessly for charitable causes throughout Chicago, and was honored with the Salvation Army's Man of the Year Award, known as ''The Other Award'';

Whereas Bob Collins died tragically in a plane crash on February 8, 2000, at the age of 57; and

Whereas Bob Collins, known as ''Uncle Bobby,'' will be sorely missed by Chicagoans: Now, therefore, be it

Resolved, That the Senate—

(1) hereby recognizes and honors Bob Collins for—

(A) his work as Chicago's most respected radio personality; and

(B) his philanthropic endeavors throughout Chicago; and

(2) sends its deepest condolences to his wife, Christine, and to his mother and father.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider executive nomination No. 412, which are Army National Guard nominations reported by the Armed Services Committee on February 8.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, and the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed as follows:

ARMY

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Robert L. Halverson, 0000

To be brigadier general

Col. Edmund T. Beckette, 0000
Col. James J. Bisson, 0000
Col. Raymond C. Byrne, Jr., 0000
Col. Daniel D. Densford, 0000
Col. Jeffrey L. Gidley, 0000
Col. Danny H. Hickman, 0000
Col. James D. Johnson, 0000
Col. Dennis M. Kenneally, 0000
Col. Dion P. Lawrence, 0000
Col. Robert G. Maskiell, 0000
Col. Daryl K. McCall, 0000
Col. Terrell T. Reddick, 0000
Col. Ronald D. Taylor, 0000
Col. John T. Von Trott, 0000
Col. William H. Weir, 0000
Col. Dean A. Youngman, 0000
Col. Walter E. Zink II, 0000

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

ORDERS FOR THURSDAY, FEBRUARY 10, 2000

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m. on Thursday, February 10. I further ask unanimous consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of S. 1287, the nuclear waste disposal bill, under the previous order.

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, it is my understanding that under this unanimous consent agreement that has been proposed, morning business will transpire after the unanimous consent agreement is entered, but that there will be a limitation in that Senators LAUTENBERG and ASHCROFT will be the only two Senators speaking as in morning business, and following their speaking the Senate will close for the day.

Mr. MURKOWSKI. I haven't finished yet, but I believe that is going to be the result of the statement.

The PRESIDING OFFICER. Is objection withheld?

Mr. REID. I withdraw my objection to that part of the unanimous consent request.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Again, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m. on Thursday, February 10. I further ask unanimous consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of S. 1287, the nuclear waste disposal bill, under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MURKOWSKI. For the information of all Senators, the Senate will resume consideration of the nuclear waste bill at 10 a.m. By previous consent, the time until 11 a.m. will be equally divided between the bill managers for final debate. Also, by previous consent, a vote on final passage is scheduled to occur at 11 a.m. Therefore, Senators can expect the first vote to occur at approximately 11 a.m.

ORDER FOR ADJOURNMENT

Mr. MURKOWSKI. If there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order following the remarks of Senator LAUTENBERG and Senator ASHCROFT.

It is my understanding that tomorrow the two sides will have 1 hour equally divided. Sometimes we start a little late around here, in spite of our efforts.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I think I heard the Senator from Alaska say 10 minutes for each of us who were going to speak in morning business. I ask unanimous consent that up to 15 minutes be allocated to me.

Mr. MURKOWSKI. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

GUN SAFETY

Mr. LAUTENBERG. Mr. President, on April 20, we are going to mark a 1-year anniversary of the terrible tragedy that occurred at Columbine High School in Colorado. That was the day when two teenagers, Eric Harris and Dylan Klebold, walked into the school and sprayed the library and cafeteria with gunfire, killing 12 classmates and a teacher and wounding many others. A few who were aware of what took place that day will never forget that horrible scene of a young man jumping out a window, people running, weeping, the whole place in disarray, students lying on the ground wounded, some fatally.

You would have thought by now, 9 months after that massacre, that Congress would have been able to get together to pass commonsense gun safety measures. Some of my colleagues will say there is not much we can do about it.

No, we cannot go back and undo that tragedy, but we sure can do something that maybe will prevent something similar from happening in the future. It is preposterous to say we can't do anything better. We can do a lot about it. Reasonable gun safety legislation can make a difference.

For proof, I ask that we take a look at testimony of the young woman, Robyn Anderson, before the Judiciary Committee of the Colorado House of Representatives. In case the name isn't familiar, Robyn Anderson is the young woman who went with Harris and Klebold to the Tanner gun show in Adams County, CO. It was in late 1998. She wanted to help them buy guns.

Harris and Klebold were too young to buy guns because they had an 18-year age limit, but Robyn Anderson was 18. She bought three guns at that gun show, two shotguns, and a rifle, and immediately handed them over to Harris and Klebold. Four months later, Harris and Klebold used all three of those guns in their murderous rampage.

This is what Ms. Anderson said during her testimony:

> Eric Harris and Dylan Klebold had gone to the Tanner gun show on Saturday and they took me back with them on Sunday. . . . While we were walking around, Eric and Dylan kept asking sellers if they were private or licensed. They wanted to buy their guns from someone who was private—and not licensed—because there would be no paperwork or background check.

That was her statement to the committee in the Colorado House. As all can see, they had one mission: to avoid a background check.

I am the author of a piece of legislation we tried to get through the Senate that said we ought to have everybody available for a background check. We know those unlicensed dealers who were able to sell at these gun shows—and there are over 4,000 gun shows a year—unless a State law says no, can sell guns to anybody who has the money. They can put them in the back of their car. They can carry them on their shoulder. Even someone who is listed on the 10 Most Wanted—criminals—could qualify to buy a gun from one of these dealers.

Tragically, these three young people found three gun dealers, and they bought their deadly weapons. This is what she had to say about gun sales at gun shows:

> It was too easy. I wish it had been more difficult. I wouldn't have helped them buy the guns if I had faced a background check.

Robyn Anderson said that in front of the Colorado legislature. This shows clearly that background checks for gun sales can make a difference. They can keep guns out of the wrong hands.

When the National Rifle Association says that our gun laws are sufficient, it is wrong. They are simply out of line. There is a glaring loophole—the gun show loophole—which Congress must close.

There is no more time for delay. The American people are requesting action, demanding it, if you look at surveys. I hope my colleagues will complete action on the juvenile justice bill because it did contain a prohibition on gun sales that are done at gun shows without a background check. Now, that was knocked out of the House bill as it came over to the Senate for conference. But the fact is that it was in the Senate bill, and we ought to include it in any bill that finally passes. Let's do it before we mark the anniversary of that terrible day at Columbine High School, showing that we are serious and that we care about what happened.

In the nine months since April 20, we have seen more terrible shootings and bloodshed. In May of last year, a teenager in Conyers, GA, shot and injured six of his classmates. In July, a gunman in Ohio shot three teenage girls and the teacher of a Bible study group. In August, a white supremacist stormed into a Jewish community center near Los Angeles and shot two children and a senior citizen. Later that day, before this culprit was apprehended, he shot and killed a postal worker. In September, more gun violence—a gunman in Fort Worth, TX, walked into a Baptist church and killed seven young people who were there for a prayer meeting before shooting himself. In November, the worst mass shooting in Hawaii's history—a Xerox employee killed seven coworkers. Yet another school shooting in December—a seventh grader in Fort Gibson, OK, takes his father's gun to school and wounds four classmates.

That is what we see. It doesn't matter what the heritage is of the individuals; race or religion doesn't matter. Everybody is subject to this kind of violence if they are in the wrong place at the wrong time. These are just the shootings that got the most attention. Month after month, the death toll from gun violence continues to mount. From Colorado to Georgia, from Ohio to California, from Texas to Hawaii, families across this country continue to mourn.

What do we do here in Congress about it? Nothing. It is a disgrace.

Of course, the Senate did pass several reasonable measures as part of the Juvenile Justice bill, including the amendment I mentioned before, which would prevent criminals from being able to buy guns at gun shows.

Technically, this legislation is stuck in a conference committee. For those who are not part of the structure here, the conference committee is where legislation is finally resolved when the House committee and the Senate committee, with similar jurisdiction, meet together and argue out the differences, if any, in a bill. But it would be more accurate to say that it is being held hostage by the extremists at the NRA and the politicians who march lockstep to their commands.

We have to free this legislation, and we dare not let the gun lobby prevail over the vast majority and the will of the American people who simply want to make their families a little safer.

I urge my colleagues to join with me in pushing the congressional leadership to finish work on the juvenile justice bill. We want to do it before there is another episode of gun violence, another loss of life that could be avoided. We have to do more to stop the gun violence, the epidemic that lies within our country. I hope we will be able to do it soon.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

REMEMBERING DERRICK THOMAS

Mr. ASHCROFT. Mr. President, it is with great sadness that I come to the floor today. Just a few days ago, on February 1, I came here to talk about a professional football achievement, congratulating the St. Louis Rams on their Super Bowl victory. It was a tremendous victory.

Today, I come to the floor on what may seem to some to be another ''football story,'' albeit one that is much more tragic. I want to make remarks about my friend, Kansas City Chiefs' linebacker Derrick Thomas. I want to talk about more than just professional sports. I believe what is important in life is not what game you play but how you play the game to which you are called. I want to share my thoughts on a young man who was a true professional.

Yesterday, the Kansas City Chiefs' great linebacker, Derrick Thomas, died of cardiorespiratory arrest, a complication from a tragic automobile accident of January 23. The accident occurred on a snow and ice-covered stretch of Interstate 435 in Clay County, MO, as Derrick and two of his friends were headed to the airport to fly to St. Louis for the NFC championship game between St. Louis Rams and the Tampa Bay Buccaneers. To Derrick's many loyal fans, the news of his death is stunning and saddening—profoundly saddening.

The life of Derrick Thomas, who lived but 33 years, should be celebrated. His accomplishments on the field and off the field were substantial. An All-American at the University of Alabama, he became an instant star with the Kansas City Chiefs after his selection in the first round of the 1989 draft. He was named as an All-Pro in each of his first nine seasons in the league. Derrick ranked ninth on the all-time list in career quarterback sacks.

Chiefs fans will never forget the day in 1990 when No. 58 set the amazing single-game record of seven sacks in a game against the Seattle Seahawks on Veterans Day. What some people don't know is that Derrick dedicated his efforts on Veterans Day to his father, an Air Force pilot killed in Vietnam in Operation Linebacker II when Derrick was just five.

The fighters from nearby Whiteman Air Force Base periodically do a fly-by during pre-game ceremonies. The planes, according to Derrick Thomas, reminded him of his father and provided inspiration for some of his greatest and most spectacular performances. I have been at Arrowhead Stadium before games for those pre-game ceremonies, when in the parking lot there was tailgating, with the smoke from the barbecue and the roar from the jets as they crossed the field in a fly-by. It is a moving experience, but it moved none of us as much as it moved Derrick Thomas, who set records based on the inspiration that reminded him of his dad.

Derrick will, no doubt, enter the pantheon of Kansas City's great athletes—George Brett, Tom Watson, and Len Dawson, just to name a few. But Derrick's accomplishments off the field are worthy of note as well. He was that kind of special star who took all that he gained from his talents and gave back with generosity, energy, and joy to his community. Very early in his career as a Kansas City Chief, he began an inner-city reading program called the ''Third and Long Foundation.'' As part of it, he read to children at local libraries on Saturdays when he was home in Kansas City during the season.

He was No. 832 among President George Bush's celebrated ''Thousand Points of Light.'' He was named the NFL's Man of the Year in 1993. Two years later, he received the Byron ''Whizzer'' White Humanitarian Award from the NFL Players Association for his service to the community. In addition, he received the Genuine Heroes Award from Trinity College in Chicago.

But more important than accolades from several foundations was the love and respect directed toward Derrick by the people of Kansas City. They understood that Derrick helped bring an invigorated sense of civic pride and community and togetherness to Kansas City, and the Chiefs fans were inspired by his sunny smile, his giving heart, and his winning ways. The arrival of Carl Peterson and Derrick Thomas to Kansas City marked the resurrection of Lamar Hunt's historic franchise. The people of Kansas City loved Derrick Thomas—as a Chief and as a person. Carl Peterson, at yesterday's news conference, clearly communicated his deep respect and profound joy in his association with Derrick.

Others expressed themselves eloquently as Kansas City Chiefs fans who, visiting the Web site on the Sports Illustrated chat room, left remarks about this great football player. The first remark I would like to call to your attention is from a fan who calls himself ''Frank L.'' In a frank evaluation, perhaps, he put it this way:

> Thanks for everything, D.T. [Derrick Thomas]. You helped bring our city to life and gave us a common cause. While doing that you helped a lot of those less fortunate. Now you are with your father that you always talked about and never knew. Back here in the land of the free and the home of the Chiefs we will never forget you. God bless your soul.

That line back there, ''in the land of the free and the home of the Chiefs,'' is the way they sing the anthem at the stadium. They didn't want to say the ''brave,'' so they said the ''Chiefs.'' Derrick knew that and enjoyed it.

Listen to what a fan, called Big58, says. And, of course, we all know Derrick was No. 58. He wore that number on his jersey. A fan who identified himself as Big58 said:

> I can't believe that Derrick is gone. He was one of my heroes for more than a decade now. Derrick did so much for the Kansas City community and the people here. It wasn't loved in KC because he was such a great athlete. He was loved in KC because of the person he was. The time and money he gave to help the kids of the Kansas City community was enormous. And who can forget his Veterans Day performances dedicated to his father who was killed in Vietnam? They were always D.T. at his best. At least D.T. will have some great company along with our Lord in Heaven. I'll bet he's chasing around Walter Payton right now. And ya know what, Derrick will finally get to spend time with his Dad. We love you and will miss you Derrick. Rest in Peace.

And finally, not only are Chiefs fans saddened, but others who recognized his talents as well. Listen to what Lance Reynolds had to say:

> I have been a Raider fan for over 20 years. Derrick Thomas single handedly ruined at least a dozen Sunday afternoons for me; destroying O-tackles, tight-ends and quarterbacks of the Silver & Black. The Raiders-Chiefs rivalry runs deep. Even though, I have found myself pacing the Chiefs sidelines the past couple of weeks avidly cheering for Derrick Thomas' quick recovery. Today I find myself amongst the millions mourning his death. Derrick Thomas, you wickedly ruthless foe, God Bless You! You are already missed!

From time to time, we are compelled to pause and consider the real and lasting value of the things we hold dear. For Missouri football fans like me, today is a reminder that, as much as we love the game, it is just a game.

To those to whom we look for examples, we extend our thanks, and we give our thanks to Derrick, for he was one who excelled not just on the field but inspired us by an example and called us to our highest and best.

Friends such as Derrick Thomas are a rare and special gift to each of us. We will miss him. Our prayers are with his family his friends and each other as we, his fans, across the Nation and certainly across Missouri and Kansas City are saddened by this very substantial loss.

Thank you, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALLARD). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. Mr. President, I ask unanimous consent that I be allowed to speak for such time as I may consume despite the order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. I thank the Chair.

NUCLEAR WASTE POLICY ACT AMENDMENTS

Mr. GRAMS. Mr. President, I want to take some time today to express my outrage with the way the federal government has handled its responsibility to remove and store nuclear waste from 41 states across the country and to outline my thoughts on the bill before us. I'm also going to speak about my expectations for the future of nuclear energy and the future of nuclear waste storage in the State of Minnesota.

First, I hope the Senate will indulge me while I review the process that has brought all of us here today.

As everyone in this chamber knows, Washington's involvement in nuclear power isn't new. Since the 1950's

''Atoms for Peace'' program, the federal government has promoted nuclear energy, in part, by promising to remove radioactive waste from power plants.

Congress decisively committed the federal government to take and dispose of civilian radioactive waste beginning in 1998 through the Nuclear Waste Policy Act of 1982, and its amendments in 1987.

This is nothing new. Eighteen years ago Congress decided that the Federal Government was going to take this waste beginning in 1998, and also by amendments in 1987 reestablish those facts.

These acts established the DOE Office of Civilian Radioactive Waste Management to conduct the program, selected Yucca Mountain, Nevada as the site to assess for the permanent disposal facility, established fees of a tenth of a cent per kilowatt hour on nuclear-generated electricity—and provided that these fees would be deposited in the Nuclear Waste Fund. Furthermore, it authorized appropriations from this fund for a number of activities, including development of a nuclear waste repository.

Eventually, publication of the Standard Contract addressed how radioactive waste would be taken, stored, and disposed of. The DOE then signed individual contracts with all civilian nuclear utilities promising to take and dispose of civilian high-level waste beginning January 31, 1998—over two years ago. Other administrative proceedings, such as the Nuclear Regulatory Commission's Waste Confidence Rule, told the American public that they should literally bank on the federal government's promise.

In other words, take this promise to the bank.

I think this point needs to be clearly understood by the Members of this body.

Our nation's nuclear utilities didn't go out and invest in nuclear power in spite of federal government warnings of future difficulties. Instead, they were encouraged by the federal government to turn to nuclear power to meet increasing energy demands.

Utilities and states were told to move forward with investments in nuclear technologies because it's a sound source of energy production.

And the federal government's support for nuclear power was based on some very sound considerations.

First, nuclear power is environmentally friendly. Nothing is burned in a nuclear reactor, so there are no emissions in the atmosphere. In fact, nuclear energy is responsible for over 90 percent of the reductions in greenhouse gas emissions that have come out of the energy industry since 1973. Between 1973 and 1996, nuclear power accounted for emissions reductions of 34.6 million tons of nitrogen oxide and another 80.2 million tons of sulfur dioxide.

Second, nuclear power is a reliable base load source of power. Families, farmers, businesses, and individuals who are served by nuclear power are served by one of the most reliable sources of electricity.

Third, nuclear energy is a homegrown technology, and the United States led the way in its development. We have long been the world leader in nuclear technology and continue to be the largest nuclear-producing country in the world. Using nuclear power increases our energy security.

Finally, much of the world recognizes those same values and promotes the use of nuclear power because of its reliability, its environmental benefits, and its value to energy independence.

Because of those reasons, the Federal Government threw one more bone to our Nation's utilities. It said if you build nuclear power, we will take care of your nuclear waste, we will build a repository, and we will take it out of your State.

In response to those promises—again, those promises the Federal Government said you can take to the bank—over 30 States took the Federal Government at its word and allowed civilian nuclear energy production to move forward.

As I mentioned earlier, ratepayers agreed to share some of the responsibilities but again were promised some things in return. They agreed to pay a fee, attached to their energy bill, to pay for the proper handling of the spent nuclear fuel, in exchange for assurances that the Federal Government meet its responsibility to manage any waste storage challenge. Again, contracts were made, contracts were signed.

Because of these procedures and measures taken by the Federal Government, ratepayers have now paid over $15 billion, including interest, into the nuclear waste fund. Today these payments continue, exceeding $1 billion dollars annually, or about $70,000 for every hour of every day of the year.

In summary, the Federal Government promoted nuclear power, utilities agreed to invest in nuclear power, States agreed to host nuclear powerplants, and ratepayers assumed the responsibility of investing in long-term storage of nuclear waste.

Still, nuclear waste is stranded on the banks of the Mississippi River in Minnesota and on countless other sites across the country because the Department of Energy has a very short-term memory, and this administration has virtually no sense of responsibility. We can all argue all day long on the floor of this Chamber on the merit of nuclear power, but we cannot stand here today and deny that the Federal Government promoted nuclear power and promised to take care of nuclear waste and that there is nuclear waste piled up around the country.

The Clinton administration, however, would have you believe that they do not have a responsibility to deal with nuclear power. I have been working with Senator MURKOWSKI and many other Members over the roughly 5 years I have been in the Senate to establish an interim repository for nuclear waste and to be able to move forward with the development of a permanent repository. We have brought a bill to the floor that accomplishes those objectives in each of the past two Congresses. Each time, we passed the bill in both the House and the Senate with overwhelming bipartisan support. Just over 2 years ago, we passed by a vote of 65–34 a bill that would have removed nuclear waste from States, and the House passed the bill with 307 supporters—a veto-proof majority in the House.

We have had extensive debate with the opportunity for anyone to offer amendments. We have thoroughly addressed most issues related to nuclear waste storage, including the transportation of waste across the United States. Yet every time we have passed a bill that fulfills the Federal Government's commitments, President Clinton has issued his veto threat and he has stopped our efforts in their tracks.

After years of trying to establish an interim storage site, we are now left with only the ability to make some smaller changes to the nuclear waste program and condition the date for removal of waste on the authorization for construction of the permanent repository.

I want to tell my colleagues that I am not overly joyous about the bill before the Senate today. In fact, I don't think this bill does enough. But I don't blame those who support the bill for what the bill does not do, and neither should anyone else across the Nation or anyone here in Congress. If anyone is at fault for the lack of a definite action and definitive action on this issue, it is the Clinton administration.

As my colleagues are very well aware, my main concerns with the nuclear waste storage issue have centered on two major issues. First, the ratepayers of Minnesota have paid countless millions into the nuclear waste fund, and they expect nuclear waste to leave Minnesota at a reasonable date. More specifically, Minnesota ratepayers expect nuclear waste to leave our State no later than beginning on January 31, 1998. We all know that it didn't, and we all have known it won't be leaving anytime soon no matter what we do this week in the Senate.

Second, because the State of Minnesota recognized in the early 1990s the Federal Government would not meet its obligation to remove spent nuclear fuel from the State by January 1998, it placed a limit on the amount of onsite waste storage at Northern States Power Company's Prairie Island Facility. Northern States Power agreed to that limit. But it now appears the State-imposed limit for this onsite storage will be reached sometime in the year 2007, and then two nuclear reactors that produced 20 percent of Minnesota's electricity will be forced to shut down.

At a time when we are trying to reduce carbon dioxide, sulfur dioxide, and other emissions across the country, Minnesota will be losing 20 percent of its emissions-free electricity generation, and it will be replaced with fossil fuels. The loss of those two reactors also means increased costs to ratepayers, as Minnesotans will continue to pay in their rates for the operation of the nuclear facility even after it is shut down. Security will be needed, people will have to remain onsite to monitor both the waste in casks and the spent rods and the storage pool.

Water systems will have to remain working, as will any emergency response teams. In fact, the costs of operations may not reduce much at all. The ratepayers will pay the bill and they will get nothing for it. So there are some big problems that need to be addressed in my State, and it will require the participation and also the leadership of the Federal Government.

While this bill does not immediately fix either of these concerns, it does make some progress that I believe is important to move forward. First, while this legislation doesn't move waste from Minnesota or any other State on a specific date, it does advance the removal date by allowing the construction of an early acceptance facility upon approval of construction for the permanent repository. Right now, that would mean sometime in late 2006 or sometime early 2007.

Under the current situation, we won't move waste until the permanent repository is built and operating—and no one is quite sure when that will be. We thought we had a date certain for the removal of waste—again, going back to the old contracts, bills passed in 1982, that it would begin no later than January 31, 1998. Again, the Department of Energy ignored it as if it didn't exist, that the contracts they signed didn't matter, and had no bearings. They continue to do the same yet today.

This bill tries to establish a reasonable threshold for the construction of an early receipt facility. I think that is something that is achievable. The bill protects ratepayers by requiring that only Congress can undertake actions which would raise the fee paid by energy consumers into the nuclear waste fund. The Secretary of Energy will not be able to act unilaterally to raise that rate.

He says he would like to take control, or take title to the nuclear waste, and they would pay for the facility and all the storage. But the only way they would do that is to go back to the ratepayers, or the taxpayers, for more money to take care of a problem they have ignored.

Third, this bill will put in place transportation provisions for nuclear waste that are similar to those now in the place for the transport of low-level waste to the Waste Isolation Pilot Project in New Mexico.

Fourth, this bill tries to establish a mechanism by which we can avoid unreachable regulations governing the radiation standard for the permanent repository. The EPA should not be allowed to unilaterally set an unreasonable radiation standard aimed solely at ensuring the permanent repository is never built.

The radiation standard should protect long-term human health and should be based on the best science available—but it should not be a bullet aimed at the heart of the permanent repository.

Fifth, this bill addresses the problems just across the Minnesota border with Dairyland Power Cooperative. They have been requesting and needing some relief from their specific problem and have tremendous support in Minnesota.

In fact, the Minnesota Rural Electric Association strongly supports this bill for that very reason.

Sixth, I believe this bill is a step forward for nuclear power. There are provisions in the bill that allow for additional research into the transmutation of nuclear waste and the viability of reprocessing. Senator DOMENICI and I traveled to France and examined their waste program and reprocessing facilities.

France has taken our technology and used it to create an amazingly integrated and well planned program that allows them to derive over 80 percent of their electricity from nuclear power. For them, our fascination with nuclear waste is perplexing. They can deal with their waste.

I stood on the floor under which all of their nuclear waste is now stored. We need to take another look at how we think about both nuclear power and nuclear waste storage and this bill allows for that to happen.

Seventh, this bill does not include everything I believe it should. I have tried to address the situation with Northern States Power but right now we do not have a perfect answer. I believe keeping Prairie Island open and operating will require the cooperation of NSP, the Secretary of Energy, the States of Minnesota, and those of us in Congress.

I will be pushing Secretary Richardson to come to Minnesota to sit down with the state legislature, the Governor's Office, NSP, and me to see if we can find some common ground.

I have also received the assurance of Senator MURKOWSKI that the Energy and Natural Resources Committee will not forget about Minnesota and that he will continue to work with me on this important matter as well.

I am also pleased that Senator MURKOWSKI agreed to include some language I proposed which will aid in the process of addressing Minnesota's situation. My language has two specific components which will aid decisionmakers in Washington and in Minnesota throughout the coming months and years.

The first part of my language requires the DOE to report on all alternatives available to NSP and the Federal Government which would allow NSP to operate the Prairie Island Nuclear Generating Plant until the end of the term of its current NRC licenses, assuming existing State and Federal laws remain unchanged.

I want to get the DOE engaged in discussions and cooperation with the State of Minnesota and NSP on this matter. Unfortunately, I have not seen a willingness within federal agencies to work with the State of Minnesota and NSP on what options might exist that would facilitate a resolution of this dispute.

I want to get everyone working together on this problem now, not 6 years from now when a shutdown is imminent.

Additionally, my language will require the General Accounting Office to issue a report on the potential economic impacts to Minnesota ratepayers should the Prairie Island facility cease operations once it has met its state imposed storage limitation—including the costs of new generation, decommissioning costs, and the costs of continued operation of on-site storage of spent nuclear fuel storage.

I am hopeful this information will give both policymakers and ratepayers a clearer indication of exactly what a shutdown of the facility means not only to the reliability of their electric service, but to the checkbooks of Minnesota families as well.

Finally, I believe it was vitally important that we removed the take title provision from this legislation. I do not believe we should give the DOE any further opportunities to leave waste where it now sits. Allowing the DOE to take title to waste is a dangerous proposition for ratepayers.

I was proud to join Senators COLLINS, SNOWE, and JEFFORDS in offering the amendment to delete the take title provision and I am grateful Senator MURKOWSKI deleted the take title provision from the manager's amendment as well.

While these components will certainly be helpful to my State, I know there will be some in Minnesota who'll want me to oppose this bill because it does not go far enough. But I do not believe I would be serving the interests of my constituents by voting against a good bill that might help Minnesota ratepayers because of what is not in it.

I should not vote against a good bill because it is not a perfect bill. And I cannot vote against a bill that might move waste out of Minnesota sooner than under current conditions, because it does not move waste out as soon as I would like. I intend to vote in support of this bill because I believe it is an important bill.

I intend to vote for the bill because I want to remain part of this process and because I do not believe Minnesota can withdraw itself from this debate. And I intend to vote for this bill because I believe this is part of a process in restoring government accountability in the nuclear waste debate.

I may be back asking for more or looking for other opportunities to help my State and my State's ratepayers. I do not consider this matter closed either in Minnesota or in Washington, DC.

I want to take just a moment to thank Senator MURKOWSKI for his willingness to work with me and to continue to explore ways in which we can help my State. His staff have remained open to our concerns and willing to work with my staff.

They have been honest about what they cannot do—and I appreciate that as well.

I also want to issue a warning and a challenge to my colleagues in the Senate. Let us not assume that this is a great victory for ratepayers or for our States.

This legislation does not fulfill the Federal Government's commitment to remove nuclear waste.

Regrettably, this bill is but a shell of the bills we have passed with bipartisan support in each of the last two Congresses. So we should not go home and tell our constituents that this matter is resolved or that our work here is finished.

I am a little biased, but I hope we have a totally new direction in the White House after next year. I hope that translates into a willingness to engage Congress and the States on nuclear waste issues rather than the protracted effort to ignore Congress and the States that this administration has relied upon.

I believe we are going to have that new direction and I am going to be back asking that administration to move forward immediately on interim storage.

If this administration is unwilling to provide the American people with the services for which they have paid, I hope and expect they will make sure the next administration will do that and live up to the promises it made.

I yield the floor.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 106–21

Mr. GRAMS. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following convention transmitted to the Senate on February 9, 2000, by the President of the United States: Rotterdam Convention concerning Hazardous Chemicals, and Pesticides in International Trade (Treaty Document No. 106–21).

I further ask that the convention be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

THE PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to ratification, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, with Annexes, done at Rotterdam, September 10, 1998. The report of the Department of State is enclosed for the information of the Senate.

The Convention, which was negotiated under the auspices of the United Nations Environment Program and the United Nations Food and Agriculture Organization, with the active participation of the United States, provides a significant and valuable international tool to promote sound risk-based decisionmaking in the trade of certain hazardous chemicals. Building on a successful voluntary procedure, the Convention requires Parties to exchange information about these chemicals, to communicate national decisions about their import, and to require that exports from their territories comply with the import decisions of other Parties.

The United States, with the assistance and cooperation of industry and nongovernmental organization, plays an important international leadership role in the safe management of hazardous chemicals and pesticides. This Convention, which assists developing countries in evaluating risks and enforcing their regulatory decisions regarding trade in such chemicals, advances and promotes U.S. objectives in this regard. All relevant Federal agencies support early ratification of the Convention for this reason, and we understand that the affected industries and interest groups share this view.

I recommend that the Senate give early and favorable consideration to the Convention and give its advice and consent to ratification, subject to the understanding described in the accompanying report of the Secretary of State.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 9, 2000.*

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m. on Thursday, February 10, 2000.

Thereupon, the Senate, at 6:28 p.m., adjourned until Thursday, February 10, 2000, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate February 9, 2000:

DEPARTMENT OF AGRICULTURE

CHRISTOPHER A. MCLEAN, OF NEBRASKA, TO BE ADMINISTRATOR, RURAL UTILITIES SERVICE, DEPARTMENT OF AGRICULTURE, VICE WALLY B. BEYER.

DEPARTMENT OF STATE

JOHN R. DINGER, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO MONGOLIA.

DOUGLAS ALAN HARTWICK, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE LAO PEOPLE'S DEMOCRATIC REPUBLIC.

CHRISTOPHER ROBERT HILL, OF RHODE ISLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF POLAND.

DONNA JEAN HRINAK, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF VENEZUELA.

JOHN MARTIN O'KEEFE, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KYRGYZ REPUBLIC.

MARY ANN PETERS, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PEOPLE'S REPUBLIC OF BANGLADESH.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

MARC RACICOT, OF MONTANA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2004, VICE REATHA CLARK KING, RESIGNED.

ALAN D. SOLOMONT, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2004, VICE CAROL W. KINSLEY, TERM EXPIRED.

THE JUDICIARY

KENT R. MARKUS, OF OHIO, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT, VICE DAVID A. NELSON, RETIRED.

ROBERT J. CINDRICH, OF PENNSYLVANIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT, VICE TIMOTHY K. LEWIS, RETIRED.

JOHN ANTOON II, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA, VICE G. KENDALL SHARP, RETIRED.

PHYLLIS J. HAMILTON, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA, VICE AN ADDITIONAL POSITION IN ACCORDANCE WITH 28 U.S.C. 133 (B) (1).

DEPARTMENT OF JUSTICE

AUDREY G. FLEISSIG, OF MISSOURI, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF MISSOURI FOR THE TERM OF FOUR YEARS, VICE EDWARD L. DOWD, JR., RESIGNED.

FEDERAL ELECTION COMMISSION

DANNY LEE MCDONALD, OF OKLAHOMA, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2005. (REAPPOINTMENT)

BRADLEY A. SMITH, OF OHIO, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2005, VICE LEE ANN ELLIOTT, RESIGNED.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. TIMOTHY A. HOLDEN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) DANIEL H. STONE, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

JEFFREY S. MACINTIRE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 531 AND 624:

To be lieutenant colonel

JOHN J. FITCH, 0000

To be major

TREVOR W. SHAW, 0000
*TIMOTHY L. WATKINS

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

CHRISTOPHER F. AJINGA, 0000
WILLIAM T. AKANA, 0000
ROBERT D. ALLEN, 0000
SCOTT A. ALLEN, 0000
SCOTT T. ALLEN, 0000
DAVID A. ANDERSON, 0000
RICHARD A. ANDERSON, 0000
ROARKE L. ANDERSON, 0000
JOSEPH A. ANDY, 0000
DALE M. ATKINSON, 0000
PAUL K. AUGUSTINE, 0000
DAVID F. AUMULLER, 0000
MARK T. AYCOCK, 0000
JEFFREY T. BAILEY, 0000
FRANKLIN D. BAKER, 0000
ROBERT S. BAKER, 0000
ROSSER O. BAKER, JR, 0000
THOMAS W. BAKER, 0000
KEITH W. BASS, 0000
LUDOVIC M. BAUDOINDAJOUX, 0000
MITCHELL A. BAUMAN, 0000
PATRICK B. BEAGLE, 0000
MICHAEL F. BELCHER, 0000
JOEL H. BERRY III, 0000
CRAIG W. BEVAN, 0000
JAMES H. BISHOP, 0000
BENJAMIN S. BLANKENSHIP, 0000
FRANCIS P. BOTTORFF, 0000
PAUL R. BOUGHMAN, 0000
RICHARD D. BOYER, 0000
BENJAMIN R. BRADEN, 0000
CARTER H. BRANDENBURG, 0000
TERENCE P. BRENNAN, 0000
JAMES B. BRIGHT, 0000
MICHAEL G. BROIHIER, 0000
JOHN A. BROW, 0000
KIRK E. BRUNO, 0000
JOHN A. BRUSH, 0000
FREDRICK C. BRYAN, 0000
LANCE M. BRYANT, 0000
MARTIN C. BRYANT, 0000
SHAWN W. BURNS, 0000
KEVIN L. BYWATERS, 0000
WILLIAM P. CABRERA II, 0000
PAUL F. CALLAN, 0000
ROBERT F. CASTELLVI, 0000
ANTONIO J. CERRILLO, 0000
MARK S. CHANDLER, 0000
PHILLIP C. CHUDOBA, 0000
MATTHEW R. CICCHINELLI, 0000
KEITH L. CIERI, 0000
JACK CIESLA, 0000
CHRIS A. COLEE, 0000
STEPHEN J. CONBOY, 0000
ALBERT T. CONORD, 0000
CHRISTOPHER R. COVER, 0000
JONATHAN D. COVINGTON, 0000
JOHN J. CRANE, 0000
JAMES T. CRAVENS, 0000
MARK J. CRAVENS, 0000
CRAIG C. CRENSHAW, 0000
JOSE G. CRISTY II, 0000
JON C. CUNNINGHAM, 0000
JOSEPH W. CURATOLA, 0000
PAUL J. CYR, 0000
BRIAN E. DANIELSON, 0000
ROBERT R. DANKO, 0000
DANIEL J. DAUGHERTY, 0000
CULLEN L. DAVIDSON III, 0000
CHRISTOPHER J. DAVIS, 0000
ROBERT E. DAVIS, 0000
DANIEL C. DEAMON, 0000
ROBERT D. DEFORGE, 0000
FRANCIS A. DELZOMPO, 0000
MARK J. DESENS, 0000
STUART L. DICKEY, 0000
JON G. DOERING, 0000
JEROME E. DRISCOLL, 0000
DAVID A. ELLIS, 0000
KEVIN G. EMERY, 0000
LINK P. ERMIS, 0000
WILLIAM P. ESHELMAN, JR., 0000
MARK P. EVERMAN, 0000
JOHN M. FARLEY, 0000
WILLIAM R. FEARN IV, 0000
STEPHEN A. FERRANDO, 0000
ERIC K. FIPPINGER, 0000
KENNETH S. FISCHLER, 0000
DANIEL M. FITZGERALD, 0000
TIMOTHY W. FITZGERALD, 0000
TERRY M. FLANNERY, 0000
SUSAN W. FONTENO, 0000
DAVID C. FOSTER, 0000
DAVID S. FOY, 0000
JAMES B. FRITZ, 0000
THOMAS J. FUHRER, 0000
JOHN D. GAMBOA, 0000
MICHAEL G. GARRETT, 0000
JAMES D. GASS, 0000
ROBIN G. GENTRY, 0000
JEFFREY G. GERVICKAS, 0000
HERMAN H. GILES, JR., 0000
KENYON M. GILL III, 0000
DANIEL J. GILLAN, 0000
RUSSELL E. GLOVER, 0000
STEWART O. GOLD, 0000
RICKEY L. GRABOWSKI, 0000
DAVID G. GRAN, 0000
RICHARD E. GRANT, 0000
WILLIAM F. GRESHAM, 0000
TRACY R. HAGUE, 0000
BRUCE A. HAINES, 0000
CHRISTIAN N. HALIDAY, 0000
JOHN A. HALL, JR., 0000
MARK E. HALL, 0000
TIMOTHY J. HALL, 0000
THOMAS J. HAMILTON II, 0000
JAMES W. HAMMOND III, 0000
MICHAEL B. HANYOK, 0000
DOUGLAS M. HARDISON, 0000
LONNIE R. HARRELSON, 0000
WILLIAM M. HARRISON, 0000
DANA L. HASKELL, 0000
DAVID S. HEESACKER, 0000
TOMMY L. HESTER, 0000
JEFFREY M. HEWLETT, 0000
MICHAEL K. HILE, 0000
JON S. HOFFMAN, 0000
GORDON N. HOUSTON, 0000
BOBBY H. HUNT, 0000
CARL R. INGEBRETSEN, JR., 0000
BIENVENIDO P. INTOY, JR., 0000
SCOTT B. JACK, 0000
TIMOTHY J. JACKSON, 0000
ROBERT A. JACOBS, 0000
MARK S. JEBENS, 0000
CRAIG D. JENSEN, 0000
DANIEL P. JOHNSON, 0000
DARIN D. JOHNSON, 0000
MICHAEL C. JORDAN, 0000
JOSEPH JUDGE, 0000
STEPHEN P. KACHELEIN, 0000
JOHN F. KELLY, 0000
TODD G. KEMPER, 0000
MICHAEL J. KIBLER, 0000
MICHAEL R. KING, 0000
STEPHEN F. KIRKPATRICK, 0000
GEORGE R. KNISLEY, 0000
BRIAN J. KRAMER, 0000
ROOSEVELT G. LAFONTANT, 0000
CHRIS A. LAMSON, 0000
DAVID A. LAPAN, 0000
ROBERT F. LEARY, 0000
DANIEL J. LECCE, 0000
ERICK J. LERMO, 0000
RAYMOND F. LHEUREUX, 0000
DONALD J. LILES, 0000
JOHN D. LLOYD, 0000
DAVID P. LOBIK, 0000
LAWRENCE J. LONG, JR., 0000
DAMIEN X. LOTT, 0000
MICHAEL E. LOUDY, 0000
JOHN K. LOVE, 0000
BRADLEY L. LOWE, 0000
MICHAEL J. LYNCH, 0000
GREGG L. LYON, 0000
ANDREW R. MACMANNIS, 0000
PATRICK J. MALAY, 0000
STEVEN T. MANNING, 0000
DOUGLAS C. MARR, 0000
FRANCESCO MARRA, 0000
CHRISTOPHER B. MARTIN, 0000
MICHAEL T. MAURO, 0000
JOHN F. MAY, 0000
JOHN L. MAYER, 0000
PETER T. MC CLENAHAN, 0000
BRYAN P. MC COY, 0000
SCOTT R. MC GOWAN, 0000
JAMES A. MC GREGOR, 0000
MICHAEL S. MC GUIRE, 0000
LEON A. MC ILVENE, 0000
ANTHONY R. MC NEILL, 0000
MICHAEL A. MICUCCI, 0000
DREW B. MILLER, 0000
MARK A. MILLER, 0000
SIDNEY F. MITCHELL, 0000
PATRICK J. MOCK, 0000
THOMAS C. MOORE, 0000
KENT D. MORRISON, 0000
MICHAEL K. MORTON, 0000
LAURA J. MUHLENBERG, 0000
CHRISTOPHER J. MULLIN, 0000
CARL E. MUNDY III, 0000
KATHLEEN M. MURNEY, 0000
GLENN A. MURRAY, 0000
BRIAN C. MURTHA, 0000
NICHOLAS F. NANNA, 0000
DAVID A. NELSON, 0000
NEIL E. NELSON, 0000
DAVID L. NICHOLSON, 0000
DANIEL J. ODONOHUE, 0000
ROBERT G. OLTMAN, 0000
FREDERICK M. PADILLA, 0000
BRIAN T. PALMER, 0000
PAUL S. PATTERSON, JR., 0000
GERALD A. PETERS, 0000
PETER PETRONZIO, 0000
MICHAEL N. PEZNOLA, 0000
RUSSELL J. PHARRIS, 0000
DANIEL A. PINEDO, 0000
LAWRENCE J. PLEIS III, 0000
SCOTT H. POINDEXTER, 0000
ALAN M. PRATT, 0000
RICHARD B. PREBLE, 0000
CLARENCE V. PREVATT IV, 0000
JOHN D. QUIGLEY, JR., 0000
JOHN T. QUINN II, 0000
RONALD B. RADICH, 0000
PETER M. RAMEY, 0000
PETER C. REDDY, 0000
RICHARD W. REGAN, 0000
SHAWN M. REINWALD, 0000
JAY W. REIST, 0000
MARC F. RICCIO, 0000
STEPHEN P. RICHARDSON, 0000
PATRICK A. RILEY, 0000
JEFFREY A. ROBB, 0000
LAWRENCE R. ROBERTS, 0000
STEVE B. RODRIQUES, 0000
LISA A. ROW, 0000
ROBERT R. ROWSEY, 0000
STEVEN R. RUDDER, 0000
GREGORY M. RYAN, 0000
JOSEPH P. SAMPSON, 0000
ROBERT L. SARTOR, 0000
RICHARD M. SCHMITZ, 0000
PAUL D. SCHULTZ, 0000
JOHN M. SCHUM, 0000
CLARENCE E. SEXTON, JR., 0000
JEFFREY J. SHARROCK, 0000
KIRK A. SHAWHAN, 0000
TIMOTHY V. SHINDELAR, 0000
BRADLEY H. SHUMAKER, 0000
FRANK H. SIMONDS, JR., 0000
WENDY A. SMITH, 0000
JOHN R. SNIDER, 0000
JOHN E. SNOW, 0000
JEFFREY S. SPEIGHTS, 0000
WENDY A. STAFFORD, 0000
JAMES J. STANFORD, JR., 0000
ANDREW O. STARR, 0000
TERRY P. STAUTBERG, 0000
CHRISTOPHER W. STODDARD, 0000
STEPHEN M. SULLIVAN, 0000
JAMES B. SWEENY III, 0000
SHAWN P. TATUM, 0000
MICHAEL J. TAYLOR, 0000
WILLIAM L. TAYLOR, 0000
DAVID J. TERANDO, 0000
DOUGLAS P. THOMAS, 0000
GARY L. THOMAS, 0000
CRAIG Q. TIMBERLAKE, 0000
MARK J. TOAL, 0000
FRANK E. TOY III, 0000
GREGORY A. TRUBA, 0000
FLOYD J. USRY, JR., 0000
CYNTHIA J. VALENTIN, 0000
MARK D. VANKAN, 0000
THOMAS M. VARMETTE, 0000
ELVIS F. VASQUEZ, 0000
KEVIN S. VEST, 0000
WILLIAM J. WAINWRIGHT, 0000
WILLIAM F. WALSH, 0000
HARRY P. WARD, 0000
PATRICK WARESK, 0000
DAVID M. WARGO, 0000
JOHN L. WELINSKI, 0000
CLARENCE E. WELLS, 0000
MICHAEL R. WESTMAN, 0000
RICHARD A. WESTMORELAND, 0000
WES S. WESTON, 0000
THOMAS W. WHIELDON, JR., 0000
DUFFY W. WHITE, 0000
ERIC R. WHITE, 0000
BARNEY K. WICK, 0000
THOMAS M. WILLIAMS, JR, 0000
DONALD G. WOGAMAN, 0000
PETER D. WOODMANSEE, 0000
GEORGE D. ZAMKA, 0000
RONALD M. ZICH, 0000
JOAN P. ZIMMERMAN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

JOE H. ADKINS, JR, 0000
JASON G. ADKINSON, 0000
ROBERT H. AESCHBACH, JR, 0000
JEFFERY A. AFMAN, 0000
DARRELL L. AKERS, 0000
JOHN L. ALBERS, 0000
IRMA E. ALVAREZ-ALEXANDER, 0000
MIGUEL A. AMEIGEIRAS, 0000
JOHN D. AMSDEN, 0000
ERIC S. ANDERSON, 0000
JOHN R. ANDERSON, 0000
MICHAEL P. ANTONIO, 0000
RHESA J. ASHBACHER, 0000
PAUL H. ATTERBURY, 0000
CALVIN A. AUSTIN, 0000
ROBERT B. BABCOCK, 0000
WARREN P. BAIR, 0000
HEZEKIAH BARGE, JR, 0000
ANTHONY S. BARNES, 0000
JASON M. BARRETT, 0000
BRAD S. BARTELT, 0000
GARY L. BASH, JR, 0000
STEVEN W. BATCHELOR, 0000
DOUGLAS L. BELL, 0000
RUSSELL L. BERGEMAN, 0000
JOHN W. BICKNELL, JR, 0000
STEFAN E. BIEN, 0000
DAVID L. BIRCH, 0000
GERALD M. BLOOMFIELD II, 0000
ARNOLD M. BLUMENTHAL, 0000
JOEY L. BORJA, 0000
BRADLEY R. BORMAN, 0000
THOMAS S. BOWERS, 0000
BRIAN W. BOWLING, 0000
JAMES D. BRACKEN, 0000
STEPHAN L. BRADICICH, 0000
JAMES L. BREASETTE, 0000
PRESTON C. BRENCHLEY, 0000
TOM BRENEMAN, JR, 0000
MARK T. BRINKMAN, 0000
CARL P. BRODHUN III, 0000
CHARLES L. BROWN, 0000
LLOYD P. BROWN, 0000
BRIDGET L. BRUNNICK, 0000
MICHAEL G. BRUNO, 0000
GREGORY A. BRYANT, 0000
RAYMOND R. BURKEMPER, 0000
RONALD J. BURNS, 0000
JOSE D. BUSTOS, 0000
GREGORY E. BUTCHER, 0000
MICHAEL A. BYRD, 0000
CHRISTIAN G. CABANISS, 0000

GERALD W. CALDWELL, 0000
PETER S. CALOGERO, 0000
SCOTT E. CAMDEN, 0000
MICHEL C. CANCELLIER, 0000
JOHN J. CARROLL, JR, 0000
LAWRENCE A. CASSERLY, 0000
JOHN R. CASTILLO, 0000
MICHAEL N. CASTLE, 0000
BRIAN W. CAVANAUGH, 0000
MICHAEL CELIS, 0000
SALVADOR E. CEPEDA, 0000
MICHAEL J. CHAMBERLAIN, 0000
CHRISTIAN P. CHARLEVILLE, 0000
CLIFFORD D. CHEN, 0000
JEFFREY S. CHESTNEY, 0000
ERIK L. CHRISTENSEN, 0000
BRENT P. CHRISTIE, 0000
JOHN P. CHRISTOPHER, 0000
VINCENT D. CIRELLI, 0000
DARIN M. CLAY, 0000
KEVIN P. CLYDE, 0000
SHAWN J. COAKLEY, 0000
STEPHEN C. COHN, 0000
BRIAN H. COLLINS, 0000
KEVIN P. COLLINS, 0000
WILLIAM J. CONGDON, 0000
JEROME M. CONLEY, 0000
ROGER L. CONRAD, 0000
SHANE B. CONRAD, 0000
CHAD J. CONYERS, 0000
JONATHAN P. COOMBES, 0000
ADAM W. COONS, 0000
JOSEPH M. CORBETT, 0000
KIRK F. CORDOVA, 0000
BRIAN G. COSGROVE, 0000
MICHAEL S. COTTREAU, 0000
GERRY R. COX, 0000
ANDREW L. CRABB, 0000
MATTHEW R. CRABILL, 0000
DANIEL P. CREIGHTON, 0000
CHARLES M. CROMWELL, 0000
ANDREW G. CUMMING, 0000
MICHAEL S. CUNINGHAM, 0000
KARON L. CURRY, 0000
MICHAEL J. CURTIN, 0000
JON M. DALLMAN, 0000
SCOTT T. DAVIDS, 0000
DONALD J. DAVIS, 0000
HAROLD P. DAVIS, 0000
JOHN B. DAVIS, 0000
MATTHEW A. DAY, 0000
MARK W. DEETS, 0000
MARTIN K. DEICHERT, 0000
TODD S. DENSON, 0000
KENNETH R. DEVERO II, 0000
OSSEN J. DHAITI, 0000
JEFFREY J. DILL, 0000
KELLY G. DOBSON, 0000
DOUGLAS G. DOUDS, 0000
DALLAS D. DUDLEY II, 0000
DAVID A. DUFF, 0000
DANIEL E. DUGGAN, 0000
CHARLES M. DUNNE, 0000
EDWARD C. DURANT, 0000
CRAIG P. ECK, 0000
TODD S. ECKLOFF, 0000
DAVID W. EILAND, 0000
ANDREW J. ELDRINGOFF, 0000
KATHERINE J. ESTES, 0000
JOSEPH M. EVANS, JR., 0000
ADRIENNE F. EVERTSON, 0000
SHAWN S. FARRINGTON, 0000
TIMOTHY C. FAWCET, 0000
MATTHEW P. FERGUSON, 0000
MECHAEL M. FERNANDEZ, 0000
TRENT J. FERRIS, 0000
ROBERT A. FIFER, 0000
JOHN R. FLATTER, 0000
JOSE R. FLORES, 0000
MARK A. FLOURNOY, 0000
ROBERT M. FLOWERS, 0000
MICHAEL D. FLYNN, 0000
PAUL K. FLYNN, 0000
RICHARD E. FOCHT, 0000
BRIAN A. FOLEY, 0000
STEPHEN J. FOLEY, 0000
MARK T. FONTENOT, 0000
TODD D. FORD, 0000
DAVID C. FORREST, 0000
DAVID L. FORRESTER, 0000
JONATHAN D. FOSTER, 0000
JAMES S. FRAMPTON, 0000
JAMES R. FRANKS, 0000
THOMAS E. FREDERICK, 0000
ROBERT M. FUHRER, 0000
BRIAN R. FULLER, 0000
MATTHEW F. FUSSA, 0000
GREGORY GALBATO, 0000
DENNIS P. GALLAGHER, 0000
KARL J. GANNON, 0000
ANDREW N. GAPPY, 0000
DOUGLAS W. GARDNER, 0000
SCOTT R. GARTON, 0000
TYSON B. GEISENDORFF, 0000
MICHAEL P. GILBERT, 0000
JONATHAN S. GLENNON, 0000
SEAN M. GODLEY, 0000
GARY J. GOLEMBISKI, 0000
CHRISTOPHER A. GOODHART, 0000
FLAY R. GOODWIN, 0000
GERALD C. GRAHAM, 0000
THOMAS E. GRATTMAN III, 0000
MICHAEL R. GRISCHKOWSKY, 0000
ANDREW S. GROENKE, 0000
LEE M. GRUGGS, 0000
CHRIS T. GUARNIERI, 0000
CHRISTOPHER R. GUILFORD, 0000
ANDREW J. GUNDERSON, 0000
LOUIS S. GUNDLACH, 0000
J. C. GWILLIAM, JR., 0000
JON M. HACKETT, 0000
JOHN J. HADDER, 0000
BRIAN E. HALL, 0000
SCOTT R. HALL, 0000
SEAN V. HALPIN, 0000
RICHARD K. HALSTED, 0000
GREGORY J. HANVILLE, 0000
JAMES W. HARGUS, JR., 0000
MARK S. HARRINGTON, 0000
MICHAEL J. HARRIS, 0000
PATRICK M. HAYDEN, 0000
EVAN B. HAYMES, 0000
ANTHONY M. HENDERSON, 0000
ELAINE M. HENSEN, 0000
DAVID P. HENSLEY, 0000
TIMOTHY J. HERINGTON, 0000
RYAN P. HERITAGE, 0000
JAMES A. HESSEN, 0000
ROSS D. HETTIGER, 0000
JOHN D. HICKS, 0000
TIMOTHY J. HIEL, 0000
GERALD R. HIGHTOWER, 0000
PATRICK A. HILLMEYER, 0000
KENNETH J. HOAG, 0000
THOMAS W. HOFER, 0000
WILLIAM M. HOFMANN, 0000
DAVID P. HOLAHAN, 0000
GREGORY P. HOLD, 0000
CARTER L. HONESTY, 0000
MARK A. HOUSE, 0000
TONY L. HOWARD, 0000
KEVIN M. HUDSON, 0000
CHRISTOPHER W. HUGHES, 0000
WAYNE R. HUNTE, 0000
DENNIS J. INGRAM, 0000
MICHAEL S. JACKSON, 0000
WILLIAM C. JAMES, 0000
ERIK J. JANTZEN, 0000
GORDON A. JENKINS, 0000
JEFFREY J. JOHNSON, 0000
PAUL H. JOHNSON III, 0000
THEODORE S. JOHNSON, 0000
PATRICIA JOHNSONJONES, 0000
FRANK E. JOHNSTON, 0000
MARION D. JONES, 0000
MARK R. JONESE, 0000
RICHARD E. JORDAN, 0000
DONALD P. JULIAN, 0000
DARRIN D. KAZLAUSKAS, 0000
MICHAEL J. KENNEDY, 0000
JOHN J. KEPPELER, 0000
TODD A. KERZIE, 0000
GREGORY W. KING, 0000
JAMES J. KIRK, 0000
GLENN M. KLASSA, 0000
JOEY E. KLINGER, 0000
SCOTT F. KNAPP, 0000
BRENT A. KNIPPENBERG, 0000
TIMOTHY A. KOLB, 0000
CRAIG A. KOPEL, 0000
DARRYL P. KORYNTA, 0000
MARK R. KOSKI, 0000
THOMAS E. KUHN, 0000
ROBERT W. LAATSCH, 0000
ALBERT A. LAGORE, JR, 0000
LAWRENCE M. LANDON, 0000
PAUL A. LAUGHEAD, 0000
TREVOR A. LAWS, 0000
HEATH A. LAWSON, 0000
GERALD R. LAY, 0000
MICHAEL J. LEAMY, 0000
EVAN G. LEBLANC, 0000
JACK T. LEDFORD, JR., 0000
KEVIN J. LEE, 0000
PETER N. LEE, 0000
DARIN E. LIERLY, 0000
PATRICK A. LINDAUER, 0000
DANIEL E. LONGWELL, 0000
CHRISTOPHER L. LOVEJOY, 0000
CHARLES N. LYNK III, 0000
MARK D. MACKEY, 0000
SEAN R. MADDEN, 0000
GARY L. MADDUX, JR., 0000
GONZALO MADRID, JR., 0000
ARTURO J. MADRIL, 0000
STEPHEN P. MANGUM, 0000
MICHAEL A. MANNING, 0000
JOHN A. MANNLE, 0000
JOHN M. MANSON II, 0000
ERIC S. MARBLE, 0000
JAMES D. MARTIN, 0000
RICARDO MARTINEZ, 0000
CHRISTOPHER J. MATTEI, 0000
WILLIAM J. MATTES, JR., 0000
SEAN P. MATTINGLY, 0000
GEORGE R. MAUS, 0000
JAMES C. MC ARTHUR, 0000
SEAN M. MC BRIDE, 0000
KYLE B. MC CARTHY, 0000
ROBERT E. MC CARTHY III, 0000
RICHARD D. MC CORMICK, 0000
KATHERINE M. MC DONALD, 0000
DANIEL P. MC GOVERN, 0000
BRANDON D. MC GOWAN, 0000
ROY MC GRIFF III, 0000
ERIK O. MC INNIS, 0000
LAWRENCE S. MC KNELLY, 0000
TIMOTHY J. MC LAUGHLIN, 0000
TIMOTHY D. MC LEAN, 0000
ARCHIBALD M. MC LELLAN, 0000
CHRISTOPHER A. MC PHILLIPS, 0000
JOHN S. MEADE, 0000
THOMAS M. MEANEY, 0000
SANDER H. MELVIN, 0000
MARK J. MENOTTI, 0000
STEVEN J. METELAK, 0000
RONI A. MEYERHOFF, 0000
GUILLERMO G. MEZAORTEGA, 0000
DAVID S. MICHAEL, 0000
JOHN C. MIKKELSON, 0000
TIMOTHY J. MILLEN, 0000
LINDA A. MILLER, 0000
PATRICK W. MOHR, 0000
JOSPEH F. MONROE, 0000
WILLIAM C. MONTALVO, 0000
JAMES H. MOORE, 0000
MICHAEL A. MOORE, 0000
DAVID L. MORGAN II, 0000
ALBERT G. MOSELEY IV, 0000
KEVIN G. MOSS, 0000
ANDREW J. MOYER, 0000
DOUGLAS J. MRAK, 0000
JAMES E. MUNROE II, 0000
JOSEPH M. MURRAY, 0000
ROBERT J. NASH, 0000
MICHAEL K. NELSON, 0000
DAVID B. NEWMAN, 0000
MICHAEL D. NYKANEN, 0000
GEOFFREY R. OLANDER, 0000
PAUL D. OLDENBURG, 0000
VICTOR M. OLEAR, 0000
JOHN R. O NEAL, 0000
CHRISTOPHER H. O NEILL, 0000
TODD J. ONETO, 0000
DUANE A. OPPERMAN, 0000
LUIS E. ORTIZ, 0000
KURT S. OSUCH, 0000
MICHAEL L. PAGANO, 0000
BENJAMIN J. PALMER, 0000
CHRIS PAPPAS III, 0000
THEODORE R. PARKER II, 0000
ARTHUR J. PASAGIAN, 0000
DOUGLAS R. PATTERSON, 0000
JOHN M. PECK, 0000
MARK B. PENNINGTON, 0000
JASON C. PERDEW, 0000
KRISTI E. PHELPS, 0000
MICHAEL D. PHILLIPS, 0000
WILLIAM N. PIGOTT, JR., 0000
BRIAN N. PINCKARD, 0000
JOHN C. POEHLER, 0000
TODD D. POLDERMAN, 0000
MORGAN M. POLK, 0000
MICHAEL J. POWELL, 0000
DARIN L. POWERS, 0000
LESLIE M. PRIOR, 0000
ROBERT W. PRITCHARD, 0000
JEFFREY W. PROWSE, 0000
DEAN L. PUTNAM, 0000
JON D. RABINE, 0000
KEITH H. RAGSDELL, 0000
MINTER B. RALSTON IV, 0000
WILLIAM A. RANDALL, 0000
JOHN G. RASMUSSEN II, 0000
JOEL R. RAUENHORST, 0000
STEPHEN E. REDIFER, 0000
WILLIAM H. REINHART, 0000
CARYLL G. RICE II, 0000
JON E. RICE, 0000
LARRY D. RICHARDS II, 0000
ROBERTO V. RICHARDS, 0000
PAUL W. RICHARDSON, 0000
MICHAEL D. RIDDLE, 0000
PAUL M. RIEGERT, 0000
JEFFREY R. RILEY, 0000
ERIC L. RINE, 0000
MITCHELLL D. RIOS, 0000
TIMOTHY S. ROBERTS, 0000
RICHARD J. ROCHELLE, 0000
JERRY R. ROGERS II, 0000
KEITH W. ROLEFF, 0000
BRENT A. RONNING, 0000
RANDY W. ROSS, 0000
DAVID W. ROWE, 0000
PETER S. RUBIN, 0000
JAMES B. RUNYON, 0000
RICHARD C. RUSH, 0000
ROBERT P. SALASKO, 0000
WESLEY E. SANDERS, 0000
THOMAS J. SANZI, 0000
MARK R. SCHAEFER, 0000
BRENT C. SCHAFFER, 0000
ROBERT J. SCHAFFER III, 0000
JOHN B. SCHAMEL III, 0000
CHRISTOPHER W. SCHARF, 0000
DAVID L. SCHENKOSKE, 0000
HERBERT E. SCHWEITER, 0000
THOMAS R. SEIFERT, 0000
JASPER W. SENTER III, 0000
DUANE M. SEWARD, 0000
MILO L. SHANK, 0000
DANIEL P. SHEILS, 0000
BRETT T. SHERMAN, 0000
MICHAEL A. SHERMAN, 0000
DENNIS J. SHERWOOD, 0000
LORETTA L. SHIRLEY, 0000
MATTHEW H. SHIRLEY, 0000
CHARLES L. SIDES, 0000
RICHARD G. SILVA, 0000
JEFFREY C. SIMPSON, 0000
THOMAS J. SISAK, 0000
MICHAEL P. SMITH, 0000
WILLIAM E. SMITH, JR., 0000
ROBERT J. SMULLEN, 0000
MARK E. SOJOURNER, 0000
DANIEL U. SPANO, 0000
CLAY A. STACKHOUSE, 0000
ROGER D. STANDFIELD, 0000
SCOTT F. STEBBINS, 0000
BENNETT L. STEINER, 0000
SEAN C. STEWART, 0000

JAMES A. STOCKS, 0000
ARTHUR J. STOVALL II, 0000
MICHAEL D. STOVER, 0000
MARK R. STROLE, 0000
ANDRE STROUD, 0000
DANIEL M. SULLIVAN, 0000
PAUL T. SULLIVAN, 0000
SCOTT D. SUTTON, 0000
MICHAEL W. TAYLOR, 0000
DONALD G. TEMPLE, 0000
ANTHONY P. TERLIZZI, JR, 0000
MATTHEW R. THOMAS, 0000
GEOFFREY D. THOME, 0000
DAVID C. THOMPSON, 0000
MICHAEL E. TIDDY, 0000
PETER C. TITCOMB, JR, 0000
JEFFREY S. TONTINI, 0000
STEPHEN P. TREICHEL, 0000
ALPHONSO TRIMBLE, 0000
MATTHEW G. TROLLINGER, 0000
WILLIAM J. TRUAX, JR., 0000
JEFFREY D. TUGGLE, 0000
MARC E. TUNSTALL, 0000
SCOTT A. UECKER, 0000
MICHELLE VANEXEL, 0000
WILLIAM J. VANZANTEN, 0000
DANNY J. VERDA, 0000
EDWARD J. VICKNAIR, 0000
JOHN E. VINCENT, 0000
LEWIS D. VOGLER, JR, 0000
MARTIN J. WADE, 0000
JAMES K. WALKER, 0000
DAVID A. WALL, 0000
MICHAEL A. WALL, 0000
DANIEL K. WARD, 0000
MICHAEL H. WARD, 0000
HUGH R. WARE, 0000
MICHAEL E. WATKINS, 0000
WILLIAM M. WEBBER, 0000
MARC E. WEINTRAUB, 0000
JAMES P. WEST, 0000
SEAN D. WESTER, 0000
KENT E. WHEELER, 0000
RAYMOND M. WHITE III, 0000
KIMBERLY D. WHITEHOUSE, 0000
DWAYNE A. WHITESIDE, 0000
DONALD K. WIMP, 0000
ALFRED J. WOODFIN, 0000
JOSEPH A. WOODWARD, JR, 0000
CHRISTIAN F. WORTMAN, 0000
JAMES B. WOULFE, 0000
JAMES M. WRIGHT, 0000
ROBERT C. WRIGHT, JR, 0000
WILLIAM W. YATES, 0000
TOM A. YOUNG, 0000
MICHAEL J. ZACCHEA, 0000
WILLIAM A. ZACHARIAS, JR, 0000
GARY R. ZEGLEY, 0000
MICHAEL W. ZELIFF, 0000
ALLAN ZIEGLER, 0000
CHRISTOPHER M. ZUCHISTIAN, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant Commander

RABON E. COOKE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant Commander

AMY J. POTTS, 0000

CONFIRMATIONS

Executive nominations confirmed by the Senate February 9, 2000:

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. ROBERT L. HALVERSON, 0000

To be brigadier general

COL. EDMUND T. BECKETTE, 0000
COL. JAMES J. BISSON, 0000
COL. RAYMOND C. BYRNE, JR., 0000
COL. DANIEL D. DENSFORD, 0000
COL. JEFFREY L. GIDLEY, 0000
COL. DANNY H. HICKMAN, 0000
COL. JAMES D. JOHNSON, 0000
COL. DENNIS M. KENNEALLY, 0000
COL. DION P. LAWRENCE, 0000
COL. ROBERT G. MASKIELL, 0000
COL. DARYL K. MC CALL, 0000
COL. TERRELL T. REDDICK, 0000
COL. RONALD D. TAYLOR, 0000
COL. JOHN T. VON TROTT, 0000
COL. WILLIAM H. WEIR, 0000
COL. DEAN A. YOUNGMAN, 0000
COL. WALTER E. ZINK II, 0000